

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
(TRANSVAALSE PROVINSIALE AFDELING)

Acc. 2

SAAKNOMMER: CC 482/85

DELMAS

1986-05-28, 29 EN 30

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21
ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN
ASSESSORE: MNR. W.F. KRÜGEL
PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS
ADV. P. FICK
ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON
ADV. G. BIZOS
ADV. K. TIP
ADV. Z.M. YACOOB
ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

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(Bladsye 4696 - 4806

HOF IN CAMERA

MNR. FICK: U Edele, die getuie sal getuig oor daad 66, dit is bladsy 267 van die akte van beskuldiging, paragraaf 27.6.5., bladsy 76 van die besonderhede en dan paragraaf 8 van die wysigings tot die besonderhede. Die rede waarom die Staat vra dat die getuie in camera getuig: Eerstens sal die getuie aandui dat hy van die woongebied Tumahole is, dat hy anonieme dreigoproepe ontvang waaruit sy lewe bedreig word indien hy sal kom getuig in die saak en dan wil ek ook op hierdie stadium 'n dokument voor die Hof plaas. U Edele, dit is in verband met 'n vorige getuie wat(10) in hierdie hof in camera getuig het, as my geheue my reg bedien, was die getuie getuie I.C.8. Ek kan aan die Hof meld dat die brief, dit is saam met 'n koevert, is vanoggend aan my oorhandig. Die getuie het hierdie brief gekry by die adres waar hy gebly het op daardie stadium wat nie sy huisadres was nie. Hy is deur die polisie na 'n ander plek geneem.

HOF: Wanneer het hy die brief gekry?

MNR. FICK: As my geheue my reg bedien 20 Mei, 'n week terug. In die brief - ek sal hom nie heeltemal uitlees aan die Hof nie, maar ek sal hom graag aan die Hof wil ophandig, word daar gesê dat (20) hulle weet die persoon het getuienis gegee, hulle weet waar hy is en dat hulle die persoon by wie hy woonagtig is aansê om hierdie getuie van ontslae te raak, dat hy moet die plek verlaat, anders gaan die persoon waar die getuie gebly het, se huis gebrand word en hulle sal ge"necklace" word en dan eindig die brief met "So it is up to you" en hy is onder gemeld "Anonymous." Die brief is, as ek reg verstaan, by die perseel afgelewer waar die getuie woon.

HOF: Waar hy voorheen gewoon het of waar hy tans woon?

MNR. FICK: Waar hy op daardie stadium gewoon het. Hy is (30) intussen deur die polisie weer verwyder na 'n nuwe woonplek. Die

persoon se naam daarbo, die van, is die persoon waar die getuie gewoon het op daardie stadium.

COURT: Yes. Well, it is better that Mr Bizos hears the full letter. It is addressed to a person whose name I won't mention. "We know that you are hiding a police informer in your house" and then the name is given which is the name of I.C. No. 8, "who had changed his name to" and then another name is given "so we want you to know that it is too much. We cannot tolerate seeing him enjoying and yet others are suffering, so we are going burn your house and give him a heavy necklace. So to prevent your house(10) chase him out so that he die alone. We are watching all his moves. from .." this word is illegible, doctor something it would seem - no, "from finger-tip to town and also to church or from a place to town and also to church." The bottom "So it is up to you" and it is signed by "Anonymous."

MR BIZOS: My Lord, I do not remember by number who that was and I do not know whether this person, if my instructions are correct, that this person has apparently given evidence in a number of other trials.

COURT: Possibly, yes, I think so, Mr Bizos. It was one of (20) the ANC witnesses. It would ...

MR BIZOS: Yes, I do not know if my instructions, my provisional instructions are correct ..

COURT: I would think so, yes.

MR BIZOS: But Your Lordship has not been told who it is going to be, but perhaps the prosecutor should tell Your Lordship who it is going to be and if it is going to be one of the three councillors in Tumahole, I want to assure Your Lordship that the whole of Tumahole knows that three councillors have been subpoenaed, that people were actually told by the person who (30) served the subpoenas that if they wanted a lift to Court they

must go and get a lift from the councillors. They have been in the immediate vicinity of the court, they have been seen by people from Tumahole who were in the audience and I submit with the greatest respect that in the circumstances what we told Your Lordship in relation to the councillors from the Vaal Triangle, is a fortuitous situation here and could I just show - well, My Learned Friend can tell us whether it is one of the people's names I have written on this piece of paper.

COURT: Yes.

MR BIZOS: Once we are passing pieces of paper around. Is it (10) one of those three?

MR FICK: No.

MR BIZOS: We are also - you say it is not one of these three? We also know that there were two other persons who are not councillors in the immediate vicinity. I have not yet been given their names, but that these people who have come from Tumahole came quite openly this morning, they were seen by other people from Tumahole and I submit that it is in their own interest that they come into court and they speak the truth, because the fact that they are going to give evidence is known to people from (20) Tumahole. There are three councillors and perhaps My Learned Friend can confirm this, that there were three councillors this morning and other two or three other people from Tumahole who have been seen in the immediate vicinity of the court since early this morning.

HOF: Is dit mense van Tumahole, mnr. Fick?

MNR. FICK: U Edele, die getuie is van Tumahole, maar ek wil dit net duidelik stel hierdie man is, sover my inligting is, alleen gebring, hy het nie saam met ander gekom nie. Vandat hy hier gekom het, is hy eenkant gehou hier in 'n kantoor wat toe is, waar (30) die publiek nie kom nie en die man - hy sal dit vir die Hof self

sê, hy sê hy kry anonieme dreigoproepe dat as hy getuig gaan hy vrees hy vir sy lewe. Ek kan ook meld van sy eiendom is al afgebrand meer as een keer.

HOF: Ja, laat hom inkom. Do you want to add something, Mr Bizos?

MR BIZOS: This person was seen - the name, My Lord. My Learned Friend says that he was - he is not a councillor. I just showed him the fact that he was a councillor - I just show him the name.

MNR. FICK: Die naam wat nou bygevoeg is, is reg.

MR BIZOS: Yes, he was a councillor and it is known, My Lord, that he has been approached to give evidence, the whole of Tumahole talks about it, lifts were offered, arrangements were made and here you are, My Lord. We do have the correct name before he is called so that these attempts of apparently hiding him away have not succeeded because people have seen him. People have seen him in the immediate vicinity of the court. It is the open discussion in Tumahole as to who were required by the State to give evidence, and My Lord, we cannot stress too strongly this person has held public office, we are instructed. He was in fact the mayor of Tumahole and it is known, generally known in Tumahole that he has been required to give evidence, and no purpose is served. (20)

COURT: What is the name?

MR BIZOS: Hlalele, and I am reminded that his name is in fact mentioned in a document which has become public in the further particulars and in the indictment and what his dealings were so that in our respectful submission that - first of all there can be no doubt that the ANC witness is a distinguishable situation and the note that has been handed in on the assumption that the facts are as they have been given to Your Lordship, Your Lordship should perhaps - acceptable, but that is a completely distinguishable situation. (30)

MNR. FICK: Kan ek miskien net een ding regstel, die getuie se name verskyn op die dokument voor u, dit is nie 'n ANC-getuie nie. Hy was nie 'n ANC-getuie nie. Dit is 'n man van die Vaal.

HOF: Dan het ek die ding verkeerd, iemand anders in gedagte. 'n Mens raak deurmekaar met jou nommers natuurlik ook. Ja, die getuie kan binnekom.

MNR. FICK: U Edele, kan ek intussen aan die Hof meld die persoon het 'n rugoperasie gehad. Die man kan sit sodra hy inkom.

HOF: Hy kan maar sit.

HOF AAN IN CAMERA-GETUIE: U kan maar sit. Die Staatsaan- (10)
klaer het my meegedeel dat u graag in camera wil getuig. --
Ek verkies om Afrikaans te praat.

Die Staatsaanklaer het vir my gesê dat u in camera wil getuig omdat u bang is dat daar met u iets sal gebeur as u naam bekend word, as dit bekend word dat u hier in die hof getuig het, is dit so? -- Dit is so.

Nou het ek 'n bietjie 'n probleem met die versoek, want voordat u hier ingekom het, het die Verdediging al vir my vertel dat die mense hier weet dat u sal kom getuig omdat dit bekend is in Tumahole dat u sal kom getuig. Blykbaar het dit bekend (20)
geraak op een of ander wyse daar, is dit nie so nie? -- Dit is so.

Nou gaan dit dan enige nut hê om die verhoor in die geheim te hou? Sal dit dan help dat ons die verhoor in die geheim hou en al die mense hier uithou as hulle tog weet dat u kom getuig? -- Ek dink dit sal beter wees as ek in camera getuig. Ek voel ook nou nie gemaklik genoeg nie en daardie vrees is nog in my dat as ek hier uitgaan soos wat hulle my belowe het gaan hulle my "necklace".

As ek 'n bevel maak dat u naam nie gepubliseer mag word nie en ook nie besonderhede van wie u is nie in die koerante nie, (30)
sal dit nie die posisie tot 'n groot mate verhelp nie? -- In die

teenwoordigheid van hierdie mense?

Kyk, dit moet in elk geval - die getuienis moet in elk geval in die teenwoordigheid van die beskuldigdes afgelê word wat hier sit. Dit kan nie anders nie. Dit is soos ons prosedure is. Dit is vanselfsprekend. Daar kom van tyd tot tyd mense van die Vaaldriehoek hier in die hof, nie te baie nie, maar daar kom, maar in die lig van die feit dat dit in elk geval bekend is dat u sal kom getuig, kan ons die ding nie geheim hou nie. -- Hier is 'n Kombi-vol lede van die UDF wat vandag hier teenwoordig is en daardie vrees bly in my. Ek vra, ek pleit. (10)

Maar u was buite in die gang, is u nie daar gesien deur al die mense in elk geval nie? -- Dit is net die polisie daar.

Wat daar sit. -- Daar is nie van die mense nie. Dit is net polisie daar. Ons het seker gemaak.

U het seker gemaak. Die naam is I.C. nr. 8 wat ons gehad het.

MNR. BIZOS: Ja, agt is die nommer wat ...

HOF: Agt is die korrekte nommer. Ons het gedink ons het die ding deurmekaar gehad. Ek kan nie nou mooi onthou waarom hy getuig het nie, maar in elk geval ons kan dit daar laat. (20)

MR BIZOS: My Lord, may I just indicate the witness is correct that there is a Kombi-ful of people from Tumahole present. They are in the main people from the Civic Association there who are responsible for giving us instructions as to what has happened. It is those very people who have seen the witness and the fact that he saw them that they came in a Kombi presupposes that they saw him that he was here and that this door was - this door between Your Lordships and - and it is a very distinctive man whom I saw this morning as soon as I came in through that door which was wide open, and these persons who are from the Civic Association, because of the particulars we expected what may be said (30)

bout the activities of the Civic Association, they are people who are here in order to give us instructions, they know that this person was here this morning, they know that he is going to give evidence and we submit, with respect, with that knowledge it makes it worse that he should give evidence in camera and his position is indistinguishable from the councillors in the Vaal Triangle. There is always a theoretical possibility in what - in the situation that we find ourselves in, but the people that he has mentioned in fact are the people who have given us the instructions that I have indicated to Your Lordship. None (10) of them - they consider that they are performing a lawful function in this community, there have been meetings between them and the Development Board and other bodies and Your Lordship take on the say-so of the witness that he is afraid. There may well be ... COURT: Well if he says he is afraid, there is nothing to dispute that, is there?

MR BIZOS: Well, he may be afraid.

COURT: He may well have reason to be afraid also.

MR BIZOS: Yes, he may have reason to be afraid but in order to depart from a fundamental rule when in fact the secrecy is (20) not going to help. He was the man. I am instructed that no person in Tumahole has been arrested or convicted of any offence. There have not been necklaces or anything like that in Tumahole and in my respectful submission Your Lordship will not allow this evidence to be given in camera. We have had situations ...

COURT: At the moment I am not asking you to address me. I was busy with the witness.

MR BIZOS: As Your Lordship pleases.

HOF: Het u verstaan wat die advokaat sê in Engels? Kan u Engels goed volg? -- Ek volg hom goed. (30)

Hy sê dat daar 'n Kombivol UDF-mense van Tumahole hier by die

hof is en dat dit reg is dat u hulle gesien het, want hulle het u ook gesien en dat in elk geval almal nou weet dat u hier is net so goed soos wat u weet dat hulle hier is. Hy sê dat hulle hier is om vir hom te kom vertel wat in Tumahole die geval is sodat hy behoorlik die saak kan voer, wat hulle reg is en hy sê dit sal geen nut hê om die verhoor in camera te hou nie. Wat sê u daarvan? Almal weet nou u is hier. -- Your Worship, to set the record straight I came here very early in the morning with the police officer. I saw these people through the curtain, through the window. They have not seen me. None of them (10) have seen me. I have been in hiding all the time. They have not seen me.

MR BIZOS: My Lord, I can assure Your Lordship that the first person that I saw this morning was this elderly gentleman sitting on the bench just next to the door.

COURT: But did the public pass where you passed?

MR BIZOS: Yes, My Lord. Everybody has got to come - they just cannot come into Your Lordship's corridor. They have got to come and go straight down and around. There is only one entrance that we can come through into this building, the public and .. (20)

HOF: Wat sê u, mnr.Fick?

MNR. FICK: U Edele, dit mag miskien so wees dat hy 'n oomblik daar was dat mnr. Bizos hom gesien het, maar die getuie sê hy het gesien toe die mense gekom het wat van Tumahole af kom, toe was hy reeds in die kantoor.

HOF: Ja, maar kom ons aanvaar dit nou wie wie gesien het, die feit is dat al die gegewens wat 'n mens normaalweg probeer toehou met 'n in camera-verhoor is nou openbaar. Ek meen dit is gedemonstreer deurdat voor die getuie ingekom het, is sy naam al gegee aan u. (30)

MNR. FICK: U Edele, na die tweede probeerskoot, die vierde een.

HOF: Ja, dit is so, maar tog is dit bekend dat hy kom getuig en ek meen as ons vanmiddag hier verdaag dan is dit duidelik dat die beskuldigdes sal vir die mense uit Tumahole sê wie hier getuig het. Ek kan hulle nie keer nie. 'n Mens moet prakties wees ook.

MNR. FICK: Dit is so, maar die getuie bly steeds vir die Hof sê dat hy kan met meer vrymoedigheid getuig as hy in camera getuig, want hy vrees vir sy lewe, hy kry anonieme oproepe dat hy kan ge-"necklace" word. Ek vra die Hof om ter wille van ...

HOF: Vertel vir my 'n bietjie van die anonieme oproepe wat u (10) gekry het? Vertel my 'n bietjie van die oproepe wat u gekry het?

-- Ja, ek kry gereeld oproepe. Dit is omtrent die tweede week hierdie waar ek gesê word dat ek ge-"necklace" gaan word as ek vandag hier kom getuig en nie net ek nie, ek my huisgesin, my kinders, almal op daardie perseel. Ek vrees vir ons lewe.

HOF: Wat is die artikel? 153?

MNR. FICK: 153.

HOF: Ja, ek sal vir tien minute verdaag. Bly maar net daar sit.

HOF VERDAAG. HOF HERVAT.

HOF AAN IN CAMERA-GETUIE: Ek wil u nog 'n paar vrae vra. Is (20) dit so dat u winkel afgebrand is al? -- Dit is so.

Hoe lank gelede was dit? -- Dit was 15 of 17 Julie 1984.

En sedertdien? -- Die slaghuis was op daardie selfde dag geplunder. Ek het dié reggemaak, laat regmaak en dié is weer in Maartmaand verlede jaar afgebrand. Hulle het tot by my huis gegaan en daar met klippe gegooi, maar die polisie het gehelp.

En die oproepe, is dit nou twee weke wat u oproepe kry? Is dit van dieselfde persoon of van verskillende persone? -- Van die stemme af kan ek sê dit is verskillende persone, maar dit is naamloos. (30)

U sê u sal beter op u gemak wees as u getuig in camera? --

Asseblief.

HOF: MY BEVEL IS DAT HIERDIE GETUIE SY GETUIENIS IN CAMERA SAL AFLÊ.

Skryf u volle naam op die papier, asseblief, en dit sal getuie nr. 17 wees.

Gaan u in Afrikaans getuig of gaan u in Engels getuig of gaan u in u eie taal getuig? -- In Afrikaans.

IN CAMERA-GETUIE NR. 17 v.o.e.

HOF: U kan sit tydens u getuienis. -- Dankie.

MNR. FICK: U Edele, die Staat wil net een aspek opklaar, die (10) dokument en koevert wat die Staat opgegee het, is dit nodig om dit te nommer?

HOF: Nee.

ONDERVRAGING DEUR MNR. FICK: Hoe oud is u nou, meneer? -- Ek is 69 jaar oud.

U was 'n lid van die Gemeenskapsraad. -- Ek was.

In Tumahole. -- Ek was.

Van wanneer af was u lid van die raad? -- Dit is jare terug. Dit is vanaf die tyd van adviserende raad.

Dit het later geword 'n Gemeenskapsraad. -- Dit is reg. (20)

En dit het later geword wat? Administrasieraad? Of watse raad ...

HOF: Nee, Gemeenskapsraad het nooit 'n Administrasieraad geword nie.

MNR. FICK: U het op 'n stadium in 1984 bedank as raadslid, is dit korrek? -- Ek het.

HOF: Die pers word meegedeel dat die voorwaardes geld soos by alle vorige in camera-getuies, dit wil sê dat daar niks gepubliseer word wat die naam van hierdie getuie bekend maak nie of identiteit nie. Gaan voort. (30)

MNR. FICK: Kan u aan die Hof meld, Tumahole, vorm dit deel van

'n ander raad of is dit 'n raad op sy eie? -- Dit is 'n raad op sy eie.

Gedurende 1984 was daar besluit op verhogings van tariewe, is dit korrek? -- Dit is korrek.

Eerstens, wat was die verhoging waarop besluit was, hoeveel sou die verhoging wees? -- As ek moet verduidelik, dit kom uit die begroting uit. Dit is nie net 'n som geld wat ons gesê het moet verhoog word nie, maar soos jy werk met die begroting dan kom jy uit - die som was omtrent R10.

Is dit per maand? R10 per maand? -- R10 per maand. (10)

Kan u aan die Hof aandui wat is hierdie R10, wat is verhoog? Is dit huurgelde wat verhoog is, is dit watertariewe of wat het hierdie R10 per maand-verhoging meegebring? -- Laat ek begin met salarisse. Die salarisse het hoër geword, die water het meer gekos, die ligte is duurder, elektrisiteit, verwydering van nagvullis en die verwydering van die as in die lokasie, ensovoorts.

Dan wil ek verder by u verneem, wanneer sou hierdie verhoogde tariewe in werking tree? -- Vanaf 1 Julie in daardie jaar.

1984? -- 1984.

Nou wil ek by u vasstel, voor daar besluit is op hierdie (20) verhoging, was daar enige vergaderings gehou met die gemeenskap om hulle in te lig omtrent die verhogings of was daar nie sulke vergaderings nie? -- Daar was vergaderings gehou in die verskillende wyke.

Het uself so 'n vergadering gehou of bygewoon? -- Ek het nie.

Kan u net aan die Hof aandui waarom het u nie een gehou nie? -- Dit het gebeur gedurende my siekte. Ek was siek vir 'n lang tyd en ek kon net nie die geleentheid kry om die mense bymekaar te kry nie.

Kan u aan die Hof aandui was daar enige organisasies in (30) 1984 gewees wat in Tumahole bestaan het, wat vergaderings daar

gehou het in die Swartwoongebied? -- Tumahole Student Association or Organisation, Civic Association, Pro-Humanism en nog 'n ander een. Wag, ek sal hom netnou kry.

Nou eerstens hierdie vergaderings of organisasies, het u enige van hulle vergaderings bygewoon self? -- Nee.

Het u enige pamflette of plakkate van hierdie organisasies gesien in Tumahole self? Van vergaderings wat hulle hou? -- Ons het pamflette gesien wat verstrooi was in die lokasie en wat gesê het die mense moenie hulle huishuur betaal as dit nie afkom tot R18 nie. (10)

HOF: Van wat af? Moes afkom na R18. Wat was dit dan? -- Dit was 'n bietjie meer as R26.

Sonder of met die R10 by? -- Hy sou opgegaan het met R10.

Na R36 toe? -- Ja.

MNR. FICK: Kan ons net een ding duidelik kry, hierdie pamflette wat daar in Tumahole versprei is wat sê dat die huur moet afgaan na R18 toe per maand, die mense moenie betaal tensy dit afgaan na R18 per maand nie, was dit versprei voordat die verhoging van R10 per maand in werking getree het of is dit daarna of in dieselfde tyd versprei? -- Dit is voor dit in werking getree het. (20) Dit het nog nooit in werking getree in werklikheid nie.

Nou wil ek vir u so vra, hierdie pamflette wat u van praat in verband met die eis dat die mense nie huur moet betaal alvorens die huur verminder word na R18 toe nie, was dit versprei nadat dit bekend geword het hierdie verhoging van R10 per maand, of was daar nog nie sprake van die verhoging van R10 per maand nie? -- Nadat dit bekend was.

Dan wil ek by u verneem, hierdie pamflette wat u van praat wat hierdie eis gestel het vir die verlaging van die huur, kon u op die pamflet sien wie dit uitgegee het? -- Hulle was altyd (30) naamloos.

Nou, as u praat van naamloos bedoel u daar het nie 'n persoon se naam gestaan nie of was daar nie 'n organisasie se naam nie? -- Daar was nie 'n naam van 'n organisasie nie ook nie 'n persoonsnaam nie.

Voor Juliemaand 1984 was daar in die gemeenskapsaal 'n vergadering belê? -- Daar was 'n vergadering belê met ons raad en hierdie verskillende organisasies.

Dan wil ek by u vasstel wie het besluit daar moet so 'n vergadering tussen die raad en hierdie organisasies plaasvind? Het dit van die raad gekom of het dit van die organisasies gekom of (10) hoe het die ding gewerk? -- Die organisasies het gevra om die raad te ontmoet.

Kan u aan die Hof aandui welke organisasies was by die vergadering verteenwoordig? -- The first one is Tumahole Students' Association.

Kan u aan die Hof aandui of hy verteenwoordig was deur 'n spesifieke persoon of persone? -- Die leier daarvan was 'n sekere Skosana.

Behalwe dan die Tumahole Students' Association wat u van praat watter organisasie was nog daar? (Tussenbeide) (20)

HOF: Was net Skosana daar van Tumahole Students' Association of was nog ander daar van Tumahole .. -- Daar was andere maar ek onthou nog die naam van Skosana. Civic Association, Mabena.

MNR: FICK: As u praat van die Civic Association, is dit Tumahole se Civic Association of 'n ander een? -- Tumahole Civic Association.

Was hy verteenwoordig deur 'n persoon wat u noem Mabena? -- Mabena. Hy is hulle voorsitter.

Was hy die enigste persoon .. (tussenbeide)

HOF: En nog ander? Net Mabena of nog ander ook? -- Daar kon (30) ander gewees het, maar ek ken net vir Mabena.

MNR. FICK: U praat van Tumahole Students' Association. Ons weet van Tumahole Students' Organisation. Weet u of dit dalk "organisation" is wat u nou .. -- Ja, ek dink ek maak 'n fout. Dit is Students' Organisation. DSO.

DSO? -- DSO.

Behalwe nou hierdie twee organisasies was daar nog organisasies op hierdie vergadering teenwoordig? -- Die een was Pro-Humanism, Marepa was die man wat daarvoor gestaan het.

HOF: Marepa? -- Marepa. Dan is daar die vierde een .. Hey.

MNR. FICK: Hy bly jou ontgaan. Daar was 'n vierde organisasie en u kan hom steeds nie onthou nie. -- Ja, ek sal hom kry. (10)

HOF: As u terugkom kan u my maar netnou vertel. Hierdie Pro-Humanism, watse soort organisasie is dit? 'n Kerklike organisasie of watse soort organisasie? -- Dit is - hulle neem deel in kerklike aktiwiteite asook lokasie-aktiwiteite.

MNR. FICK: Aktiwiteite van die gemeenskap? -- Van die gemeenskap.

Hierdie organisasies wat daar verteenwoordig was by hierdie vergadering met die Gemeenskapsraad, het hulle enige eise gestel op die vergadering? -- Hulle vernaamste eis was dat huurgeld moet afkom tot R18 toe, en dat as dit nie afkom tot R18 toe nie sal hulle die inwoners sê om dit nie te betaal nie.

HOF: Is daar enige rede gegee waarom dit juis R18 moet wees en nie R16 of R10 of niks rand nie? -- Ons weet nie hoekom R18 juis nie.

MNR. FICK: Was daar van die raad se kant verduidelik waarom die verhoging nodig was of wat was die raad se houding op die vergadering? -- Die raad het probeer om te verduidelik waarvoor was die R18. Soos ek gesê het daar is dienste wat gelewer word daarso, daar is salarisse, daar is dinge soos water en (30)

elektrisiteit wat daar aangekoop moet word.

HOF: Het u verduidelik waarvoor die R18 is of waarvoor die R26 of R36 is? -- Ons kon nie verduidelik die R18 nie, want dit het gekom van hulle af, maar ons as raad het gesê dit is as gevolg van die uitwerking van die begroting, dat ons gekom het tot by R36.

MNR. FICK: Van die organisasie se kant is daar verduidelik waarom wil hulle 'n verlaging hê? Vergeet nou maar na R18 toe, maar waarom hulle 'n verlaging wil hê? -- Hulle het net gesê die mense betaal te veel en hulle salarisse as werkers in (10) die dorp laat dit nie toe nie.

HOF: Op hierdie stadium was julle huur R26? -- Was R26.

Hoe lank vantevore was dit R18 gewees? -- Nee, hy was nog nooit R18 nie. Hulle het gesê hy moet afkom tot R18 toe.

Maar nou ek neem aan dit is van tyd tot tyd verhoog. Op hierdie stadium toe dit R26 was, hoe lank vantevore was dit in die omgewing van R18? Kyk, dit het seker elke jaar of wat 'n bietjie opgegaan? -- Ja, dit het, maar ek kan nie onthou toe dit R18 was nie.

MNR. FICK: Kan ons vir u so vra, was daar elke jaar 'n verhoging in die tarief of was daar party jare wat verbygegaan het (20) dat daar geen verhoging was nie? -- Daar was - feitlike elke jaar was daar 'n verhoging as gevolg van inflasie en al daardie dinge.

U Edele, ek weet nie, ek sien dit is 15h00.

HOF: Ja, ons kan die verdaging nou neem.

MNR. FICK: U Edele, kan die Staat net op hierdie stadium terwyl die - mag die getuie verskoon word intussen, dat hy kan uitgaan ..

HOF: U mag uitgaan, asseblief.

MNR. FICK: Die Staat wil net aan die Hof meld dat die vol- (30) gende twee weke gaan ons probleme hê met getuies, nie as gevolg

van ons eie skuld nie, maar as gevolg van die feit dat meeste van die getuies wat die Staat roep is polisiebeamptes en die volgende twee weke is polisie-eksamens en ons skakel landwyd om die mense te kry en al antwoord wat ons kry van die offisiere is dat die mense skryf eksamen. So ek wil net op hierdie stadium aan die Hof meld wat dalk volgende week kan voorlê en die week daarop, maar ons probeer om mense hier te kry en daarom het ons ook 'n probleem om vir My Geleerde Vriend vooraf te sê watter getuies ons gaan roep. Ons het byvoorbeeld gisteraand hier van die kantoor af geskakel, getuies, om hier vandag by - omdat ons nie weet wie kan ons kry nie, wie skryf eksamen.

HOF VERDAAG TOT 1986-05-29.

HOF HERVAT OP 29 MEI 1986.

MR BIZOS : My Lord, accused no. 9 has been taken to the hospital. He is absent and we ask that we proceed in his absence. Also at 13h15 today an appointment has been made subject to Your Lordship allowing accused no. 3, Reverend Moselane, to go to an eye specialist. An appointment has been made for 13h15.

COURT : That is so arranged. We will continue in their absence.

IN CAMERA GETUIE NR. 17, nog onder eed (10)

ONDERVRAGING DEUR MNR. FICK (vervolg) : Meneer, gister, tydens die verdaging was ons by die vergadering wat plaasgevind het in die Gemeenskapsaal tussen die raadslede en sekere organisasies. Ek dink ons het geëindig met die getuienis waar u gesê het dat die mense van die organisasies het gevra dat die huurgelde moet afgebring word na R18,00 per maand. Nou wil ek by u vra, het hulle enige eise gestel of enigiets gevra in verband met die raadslede self, die verteenwoordigers van die organisasies? -- Voor ek dit antwoord, sal u my toelaat om net iets by te voeg by wat ek gister gesê het in verband met hierdie (20) organisasies?

Sekerlik? -- Ek het Tumahole Student Organisation genoem. Ek het Parys Civic Association genoem. Ek het Prohumanism genoem en die vierde een is UDF.

Kan ek u so vra, die vierde organisasie wat u nou van praat, UDF, was dit ook verteenwoordig op hierdie vergadering met die 4raadslede? -- Hy was.

As u sê hy was verteenwoordig, kan u vir die Hof sê deur wie was hy verteenwoordig? -- Deur 'n sekere Skosana.

HCF : Is dit dieselfde Skosana wat die TSO verteenwoordig (30) het of is dit 'n ander Skosana? -- Dit is dieselfde man.

MNR. FICK : Kan ons terugkom na die eise wat die mense gestel het wat ek u oor gevra het. Behalwe die eis dat die huur moet afkom na R18,00 toe, is daar enige eis gestel in verband met die raadslede self? Is daar oor die raadslede gepraat? -- Nee, hulle het nie eise gestel aan die raadslede nie.

Het hulle enigsins aangedui of hulle ontevrede is oor enigiets in verband met die bestuur van die woongebied? -- Hulle was ontevrede. Eerstens het hulle gesê die raadslede verteenwoordig nie die inwoners nie. Dan het hulle net gepraat oor die gelde, die huur. (10)

Kan u dalk meer uitbrei op die bewering van die verteenwoordigers van die organisasies op die vergadering dat die raadslede nie die mense verteenwoordig nie? Het hulle gesê hoekom sê hulle so of waar kom hulle daaraan? -- Ek kan regtig nie sê nie, want die raadslede was gekies in 'n wettige verkiesing wat gehou was.

Kan ek u dalk so vra, net duidelikheidshalwe, het hulle nie van hulle kant af enige motivering gegee of rede gegee hoekom sê hulle die raadslede verteenwoordig nie die mense nie? -- Nee. (20)

En in verband met die eis dat die huur afgebring moet word na R18,00 toe, is daar enigiets verder gesê in verband met hierdie eis van die vermindering van die huurgeld, wat sal gedoen word as dit nie verminder word nie? Is daar daarvoor gepraat of is daar nie daarvoor gepraat nie? -- Hulle het net gesê as die huurgeld nie verminder word nie, moet die inwoners dit nie betaal nie.

Kon u, die Raad nou, en die verteenwoordigers van hierdie organisasies, enige vergelyk tref op die vergadering in verband met die huurgelde? -- Ekskuus? (30)

HOF : Het julle ooreengekom die huur moet verminder word? --

Nee, nie saam met ons nie. Ons het nie ooreengekom nie, want ons het ons bepaal by die begroting.

MNR. FICK : Het u volstaan by die feit dat u gesê het die huur moet verhoog word na die R36,00 toe? -- Ja, ons het dit verduidelik, hoe dit so gekom het. Dit is al wat ons kon doen. Ons kon hulle nie oortuig om dit te betaal nie, maar ons het gesê so het dit gekom.

Het die verteenwoordigers van die organisasies die verduideliking aanvaar? Was hulle tevrede daarmee of is die vergadering ontevrede uiteen? -- Hulle was geheel en al ontevrede. (10)

Ons gaan dan na 'n volgende datum toe. Op 'n Sondag, 15 Julie 1984 was u op pad vanaf u besigheid na u huis toe. -- Dit is so.

HCF : Is u besigheid in Tumahole en u huis ook in Tumahole? -- Die huis is in Tumahole en die besigheid is ook in Tumahole.

MNR. FICK : Het u meer as een besigheid in Tumahole op daardie stadium gehad? -- Ek het 'n supermark en 'n slaghuis, maar nie op dieselfde perseel nie.

Van waar af het u huis toe gegaan? Vanaf die supermark of vanaf die slaghuis? -- Vanaf die supermark. (20)

Was dit die oggend, die middag of die aand? -- Dit was om en by 10h00.

U ry toe na u woning toe en wat sien u gebeur? -- Ek het 'n groot skare mense gesien staan. Dit was grootmense en jeugdiges. Tussen hulle en my besigheid het daar 'n paar polisievangwaens gestaan.

HOF : U was op pad van die supermark na u huis toe? -- Dit is reg.

Het u dan by die slaghuisbesigheid hierdie ding gesien?(30)
-- Nee, ek het dit gesien op pad huis toe.

By watter besigheid? -- Vanaf die supermark.

Ja, maar waar het u die mense gesien staan? -- Hulle was so omtrent 500 treë van die supermark af, op die teerpad.

En tussen hulle en die supermark staan die polisie? -- Dit is reg.

MNR. FICK : Wat het u gemaak toe u die mense daar sien en die polisie? -- Ek het 'n ompad gery huis toe.

U het nie gestop daar en vasgestel wat aangaan nie? -- Nee, glad nie.

U is toe inderdaad na u huis toe? -- Ja, ek is toe (10)
sommer dadelik huis toe.

U het 'n waarskuwing van die polisie ontvang dat dit vir u eie veiligheid beter sal wees as u u huis verlaat? Is dit korrek?

HOF : Is dit nou voor die gebeure of na die gebeure of op dieselfde dag? --

MNR. FICK : Daardie selfde dag. -- Dit is op dieselfde dag.

HOF : Het hulle vir u gesê "Kyk, jy beter padgee van die huis af"? -- Ja, hulle het gesê die mense is baie kwaad vir my, ek beter maar weggaan na 'n ander plek toe. (20)

MNR. FICK : U en u gesin is toe weg van u huis af en u het daardie aand geslaap in Vredefort en die volgende dag is u Bloemfontein toe? -- Bloemfontein toe.

Terwyl u in Bloemfontein was het u in 'n koerant berigte gelees in verband met die voorvalle by Tumahole. Is dit korrek? -- Dit is korrek.

U het toe besluit om êrens heen te gaan nadat u die berigte gelees het? -- Dit is korrek.

Waarheen is u toe? -- Ons is dadelik Johannesburg toe na biskop Tutu se huis te Beverley Hills. (30)

Het u toe daardie dag vir biskop Tutu te woord gestaan of

het hy u te woord gestaan by sy huis? -- Hy het.

Wat het u met biskop Tutu gepraat by sy huis? -- Ek het vir hom gesê ek het gesien dat hy kommentaar gelewer het oor die gebeure in Parys op Sondag. 'n Sekere lid van die UDF het ook kommentaar gelewer. Ek het vir hom gevra of hy nie 'n afspraak kan reël met die UDF dat ons hoor wat het ons gesondig nie.

Gaan voort? -- Toe het hy my gevra waarom gaan dit. Toe vertel ek vir hom van die brandery by my plek die Sondag. Toe sê hy - ek kan net sê ons was vergesel van my dogter (10) Susan, 'n vriend, Alexander Twai en ek en my vrou. Ons was vier. Toe het hy gesê ons moet die volgende dag, die Donderdag, by Khotso Huis wees. Dit is in De Villiersstraat, Johannesburg.

Die volgende oggend? -- Die oggend om 09h00.

Kan ons net een aspek duidelik kry. U sê u het vir biskop Tutu gesê dit is in verband met die brandery van u plek. U het intussen telefonies vasgestel dat daardie Sondag is van u besighede gebrand. Is dit waarom u praat van die brandery van u plek? -- Verskoon my?

HOF : Laat ons nou net die verhaal kry soos dit is. Ons is(20) nou besig met biskop Tutu. Laat ons dit eers kry. Ons kan later terugkom na hierdie goed toe. Dit word totaal deurme-kaar. U het ons nou vertel van die afspraak Donderdagoggend om 09h00 by Khotso House. Gaan nou voort en vertel ons u storie. -- Donderdagoggend 09h00 was ons by Khotso Huis - Khotso House.

MNR. FICK : Was dit u, u eggenote, u dogter en mnr. Twai? -- Dit is reg.

U is nou by Khotso House. Wat gebeur toe? -- Ons het vir hulle het ons geneem na biskop Tutu se kantoor. Hy was (30) daar. Hy het toe uitgegaan om die lede van die UDF te gaan

roep. Hy het teruggekom saam met 'n sekere Terror Lekota en Popo Molefe, die algemene sekretaris van die UDF destyds. Hy het ons aan die mense voorgestel. Hy het hulle ook aan ons voorgestel. Ek het gevra vir 'n afspraak. Nou kan ek voortgaan en verduidelik wat is my probleem, wat is my moeilikheid. Ek het vir hulle gesê dat ek gesien het in die koerant dat hulle kommentaar gelewer het, hy, biskop Tutu, het kommentaar gelewer en Terror Lekota het ook kommentaar gelewer in die koerant. Ek is oortuig hulle dra kennis van die gebeurtenis daar. Ons het nou gekom om te hoor wat het ons gesondig. Terror (10) Lekota was die eerste een wat opgestaan het om te verduidelik. Hy het gesê ons is besig om ons mense kwaad te maak, die Swartmense, daar ons met die "system" gewerk het. Die "system" van die regering gewerk het, ek as lid van die Gemeenskapsraad. Hy het verder gesê hulle is 'n organisasie wat teen die regering is. Eerstens oor apartheid, die beleid van apartheid, tweedens die algemene verkoopsbelasting en derdens die hoë huur van die persele in die lokasie. Ek het gevra maar wat het dit met my te doen? Hoekom het die mense my plek kom afbrand? Toe het hy gesê die mense het gesien - hulle het geweet ek werk (20) saam met die "system". Hulle het my gebou daar gesien staan. Hulle het gevoel hulle kan hulle frustrasies uithaal op daardie gebou.

Net duidelikheidshalwe, wie het dit gesê?

HOF : Hierdie Terror Lekota? -- Ja.

MNR. FICK : Gaan voort. -- Toe het ek aan hulle verduidelik ek het probeer om dinge van binne af te verbeter. Dit is waarom ek aangesluit het by die Gemeenskapsraad. Toe het biskop Tutu gesê die skare redeneer nie so nie. Hulle redeneer heeltemal anders. Terror Lekota het nog gesê dat hulle besig was met (30) 'n vreedsame optog deur Tumahole, saam met die inwoners.

HOF : As u sê dat hulle besig was saam met die inwoners met 'n optog, wie was saam met die inwoners? -- Ekskuus?

Wie was besig met die optog? -- Die inwoners, die kinders en die ouers was besig met 'n optog deur die lokasie, maar wat hulle wild gemaak het, was toe die polisie met traangas skiet. Toe het biskop Tutu oorgeneem. Hier moet ek verduidelik. Hy het probeer verduidelik, aan my verduidelik hoe dat die skare dink, maar ek kon dit nie mooi volg nie. Toe het ek gevra maar wat moet ek nou doen dat hierdie mense moet ophou om my te vervolg, want hulle het my supermark afgebrand, hulle (10) het oorgegaan na my slaghuis toe en dit geplunder, die deur afgeruk, die geld gevat, eintlik die hele "till" gevat, vleis, "stainless steel" borde, potte. Toe het hulle gekom na die huis toe. Hulle het daar gegooi met klippe, maar die polisie het dit gou raak gesien en hulle weggejaag. Die skade was al gedoen. Toe het biskop Tutu gesê vir solank as wat ek aangaan om my mense, die Swartmense, kwaad te maak, sal hy nie by magte wees om vir hulle te sê hulle moet ophou nie. Die enigste voorwaarde was gewees, ek moet dadelik bedank as raadslid. Hy het gesê hy sal die pers inroep, die mense van die koerante (20) inroep en ek sal vir hulle - voor hulle 'n verklaring moet maak dat ek bedank. Hy het gewag vir my antwoord. Toe het ek vir hom gesê dit is vir my moeilik. Ek het saam met die administrasie gewerk. Ek moet die hoofdirekteur eers laat weet van hierdie dinge. Ek moet die takbestuurder ook ken in hierdie saak. Ook die voorsitter van die Raad. Ek het dus gevra dat die pers nie onmiddellik ingeroep word nie. Toe het hy gesê voor ek bedank het, sal hy nie die mense bel en sê hulle moet ophou om my te vervolg nie. Voor dit het Terror Lekota gesê hulle werk saam met die leiers van die gemeenskap van Parys. (30) Hulle skakel mekaar gereeld. Hulle het daardie oggend ook

nog met 'n sekere Mosepedi gepraat.

Wie was Mosepedi? -- Mosepedi is 'n lid van die UDF. Hy is die groot man van die UDF. Hy was beskryf daardie dag as 'n verantwoordelike man. Hy werk vir SAFFAS Onderneming - SAFFAS Ondernemers.

MNR. FICK : Wat het toe gebeur? -- Toe het biskop Tutu gesê hy gee my kans dat ek teruggaan en as ek daardie besigheid klaar afgehandel het met die mense wat ek genoem het daar, kan ek hom bel as ek wil. Dan sal hy die mense, die manne van die koerante afstuur na my toe om 'n verklaring te neem.(10) Ek het die volgende dag die hoofdirekteur van die Administrasie, Lekoa Administrasie, gebel en verduidelik wat gebeur het. Dat ek geen keuse het nie. Ek sal moet bedank. Ek het die takbestuurder daarna gaan sien en ook aan hom verduidelik. Ek het die voorsitter gesien. Ek het vir hom gesê wat het gebeur en ek het vir hulle almal gesê ek bedank. Hulle wou dit eers nie aanvaar nie, maar hulle moes. Toe het ek vir biskop Tutu gebel en gesê dat ek bedank het. Toe het hy gesê goed, hy sal die leiers bel en vir hulle sê hulle moet ophou om my te vervolg en Terror Lekota sou die volgende dag afge-(20) gaan het Bloemfontein toe en hy sou ook daar aandoen in Parys en hy sou ook met hulle praat. Biskop Tutu het vir my gesê hy stuur die koerantmanne af. Die man van die Sunday Times het gekom. Die man van die Rand Daily Mail het gekom. Hulle het op verskillende tye gekom. Die man van die Star het gekom. Die man van die City Press het gekom en die man van Mirror het gekom. Hulle het elkeen 'n verklaring van my geneem. Hulle het kiekies geneem van die plek en ek het daar gestaan.

Watter plek het hulle foto's van geneem? -- Die supermark.

Wat se verklarings het u gemaak aan die mense? Net dat(30) u bedank het? Het u enige redes gegee of wat het hulle vir u

gevra, wat se verklarings moes u maak? -- Ek het verduidelik hoe dat die mense my plek afgebrand het en vir hulle gesê dat die enigste oplossing nadat ek by Khotso Huis was, volgens biskop Tutu was dat ek moet bedank en ek het bedank.

Net volledigheidshalwe, nadat u hier was by Khotso Huis, het u teruggegaan na u huis toe en het u gesien u huis was gebrand - die supermark? -- Ek het.

Was hy heeltemal afgebrand? -- Hy was kompleteet, heeltemal afgebrand tot op die fondasie.

Die slaghuis, was hy beskadig? -- Hy was baie beskadig, (10) maar hy was nie afgebrand nie. Hy was net gegooi met klippe, oopgebreek, ingegaan en geplunder.

U woonhuis, was hy beskadig? -- Hy was beskadig net aan die agterkant. Daar het hulle die ruite stukkend gegooi met klippe.

Het u enige van die besighede weer reggemaak of opgebou? -- Ek het die slaghuis reggemaak, maar 23 Maart het hulle weer teruggekom en die slaghuis afgebrand.

HCF : Watter jaar was dit? -- 1985.

Is dit toe afgebrand? -- Hy is afgebrand. 'n Deel daar-(20) van was afgebrand, nie die hele gebou nie.

MNR. FICK : Is hy intussen weer reggemaak? -- Ek het dit weer reggemaak.

HCF : En die supermark, het hy maar so bly lê? -- Hy het so bly lê. Hy lê nou nog so.

KRUISONDERVRAGING DEUR MNR. BIZOS : Kan u onthou dat in 1984 die huurgeld R38,00 per maand sou gewees het na die verhoging? -- Ja, om en by R38,00. R37,00/R38,00.

Wat was die huurgeld voorheen, voor die verhoging? -- Die geld was R26,00 iets. (30)

Is die huurgeld elke jaar verhoog? 1982, 1983? Is dit

elke jaar verhoog? -- Ek sal nie sê elke jaar nie, maar dit het min of meer jaarliks opgegaan.

Was u Raad en die Administrasie van plan om die huurgeld vanaf 1 Julie 1984 tot R38,00 te verhoog? -- Dit is reg.

Weet u of enige van die verhogings van die huurgeld in die Staatskoerant gepubliseer was of nie? -- Ek weet nie. Ek weet regtigwaar nie. Ek het dit nie gesien in die Staatskoerant nie.

Weet u of die verhogings wat wel plaasgevind het gedurende 1983, 1982, 1981 of 1980 in die Staatskoerant gepubliseer (10) was of nie? -- Ek weet nie.

Dra u kennis van die feit dat dit beweer was dat omdat die verhogings van die huurgeld nie gepubliseer was nie, die verhoging nie geldig was nie? -- Ek dra geen kennis daarvan nie.

Is dit nie in u gemeenskap so gesê nie? -- Herhaal, asseblief?

Is dit nie in Tumahole deur die mense gesê dat die verhogings ongeldig is omdat hulle nie gepubliseer is nie? -- Deur watter mense? (20)

Mense wat daar woon? -- Nee, ek het nog nie gehoor die mense dit sê nie.

Kan u onthou by die vergadering wat in 1984 gehou was, of daar enige dokument voor die vergadering van die verteenwoordigers van die mense in die Raad was? -- Al wat ek onthou is dat die mense wat gepraat het, een van hulle was Molekwane, 'n papier gehad het wat gesê het dit was die vorige begroting gewees en dit en dat is nie gedoen nie, maar dit staan op die dokument.

Kan u onthou dat die mense wat beswaar gehad het teen (30) die verhoging van die huurgeld met dokumente daar gekom het

en gesê het byvoorbeeld "Ons is gesê dat die huur verhoog sal word met soveel gedurende 1982, byvoorbeeld paaie. Ons het die verhoging betaal, maar daar is niks gedoen in verband met die paaie nie." Kan u dit onthou? -- Ek kan onthou dat hulle dit gesê het in verband met die verwydering van die nagvullis, die nuwe skema.

Maar wat van die paaie? -- Nie die paaie nie.

Het enige van die huise te Tumahole elektrisiteit? -- Destyds of vandag?

In 1984? -- Daar is huise wat elektrisiteit gehad het.(10)

Hoeveel huise het elektrisiteit gehad? -- Ek weet regtig nie. Ek glo nie jy sal dit weet as jy nie daarmee werk nie.

Is enige van die paaie geteer? -- Daar is paaie wat geteer is.

Is daar baie paaie wat nie geteer is nie? -- Daar is baie paaie wat nie geteer is nie.

Weet u hoeveel huise in die geheel in Tumahole is? -- Ek weet nie hoeveel hulle nou is nie.

En weet u hoeveel van die huise deur die mense self gebou is en hoeveel van die huise deur die Raad gebou is, die (20) Ontwikkelingsraad? -- Ek weet daar is huise wat die mense self gebou het en ek weet daar is huise wat die Ontwikkelingsraad gebou het, maar ek kan nie die getal gee nie.

Ek wil dit aan u stel - of dit nou reg vir u klink of nie - dat daar 2,886 huise is, waarvan net 114 deur die Raad gebou was? Is u in staat om dit te erken of te ontken?

HCF : En as u bedoel Raad, bedoel u Gemeenskapsraad of Administrasieraad?

MNR. BIZOS : Die Ontwikkelingsraad.

HCF : Wat sê u van daardie soort verhouding? Daar is (30) 2,800 omtrent huise, daarvan is net 114 deur die Administrasieraad

gebou? -- Dit is moontlik.

MNR. BIZOS : Die groot meerderheid van die mense het hulle eie huise gebou so goed soos wat hulle kon in die omstandighede. Is dit reg? -- Dit is reg.

Kan u vir ons sê watter persentasie van die huise elektrisiteit in die huis het? Dit is in 1984. Hoeveel huise het elektrisiteit gehad? -- Dit is onmoontlik. As jy nie daar werk nie, kan jy die getalle nie ken nie.

Was u nie die burgemeester nie? -- Nee, die burgemeester was Pule. Ek was 'n gewone lid. (10)

Was u nooit burgemeester gewees nie? -- Ek was dit op een stadium.

Die klein aantal huise wat wel elektrisiteit het, weet u of die mense vir die installering van die elektrisiteit moes betaal? -- Ja, hulle moes self betaal vir die installering.

En as elektrisiteit in hulle huise geïnstalleer is, moes hulle ekstra betaal vir daardie elektrisiteit?

HCF : U bedoel 'n lopende koste?

MNR. BIZOS : 'n Lopende koste of weet u nie? -- Hulle moes vir die aansluiting en daarna vir die gebruik van die elektrisiteit. (20)

Wat van water? Watter persentasie van die huise het water gehad in 1984? -- Daar kan ek ook nie sê nie.

Weet u of dit 'n klein of 'n groot persentasie is? -- Dit was 'n klein persentasie.

Was daar net een kraan vir elke straat? -- Nee, dit is nie waar nie.

In 1984? -- In 1984.

Hoeveel krane was daar vir elke straat? -- Dit hang af van die lengte van die straat. (30)

Is daar 'n kraan vir elke blok? -- Daar was 'n kraan vir

elke vier huise min of meer.

Nie vir elke blok nie? -- Nie vir elke blok nie.

Kan u onthou of die paaie wat nie geteer was nie geskraap was gedurende 1981/82 en 83? -- Definitief.

U sê hulle was geskraap? -- Hulle was jaarliks geskraap en gruis is opgegooi en opvullingswerk is gedoen.

En elke jaar is daar 'n dokument uitgegee "Ons sal die huurgeld verhoog en dit is wat ons sal doen met die geld"? Is dit wat gebeur het?

HOF : Hoe ver gaan u terug? (10)

MNR. BIZOS : Tot 1981.

HOF : Vanaf 1981 sê die advokaat is daar elke jaar 'n dokument uitgegee waarin gesê word "Dit en dit sal ons met die geld doen - met die verhoogde huurgeld doen." -- Ja, daar was 'n begroting elke jaar.

MNR. BIZOS : Ons weet dat daar 'n begroting was, maar was daar dokumente aan die mense uitgereik dat "dit is hoe ons die geld sou gebruik"? -- Nee, ek is nie seker daarvan nie. Ek verstaan ook nie die vraag duidelik nie.

Kan u onthou dat by die vergadering die mense wat nie (20) raadslede was nie, het met die dokumente gekom en hulle het vrae gestel. "In 1981 is dit gesê en dit is nie gedoen nie. In 1982 is dit gesê en dit is nie gedoen nie. In 1983 is dit gesê en nie gedoen nie." Kan u onthou dat dit die vrae was wat hulle aan die raadslede gestel het? -- Ek onthou.

En was hulle reg toe hulle uitgewys het dat daar beloftes in die dokumente gemaak was, maar dit is nie gedoen nie? -- Hulle was reg.

En hulle het ook die 1984 dokument daar gehad. I have copies of that. (30)

COURT : This will be EXHIBIT AAQ(37).

MNR. BIZOS : U sal sien daar staan "Information to all the residents of Tumahole."--Ja, ek sien dit.

U sal sien dat daar 'n bedrag van R3,62 is vir behuising.
-- Ek sien dit.

Het die mense gevra "Waarom moet ons R3,62 betaal as ons ons eie huise gebou het op grond waarvoor ons 'n taamlike groot bedrag betaal het om te besit?" Het hulle so gevra? -- Hulle het nie so gevra nie.

Hulle het nie so gevra nie? -- Nee.

Wel, ek wil dit aan u stel dat hulle gevra het, maar (10) lede van u Raad kon geen verduideliking gee nie? -- Op daardie tydstip het nie een van ons geweet wat word spesifiek betaal vir die grond en wat word hiervoor of daarvoor betaal nie.

U sê u as 'n lid van die Raad het nie geweet nie en as die vraag gevra was, kon u in elk geval nie 'n antwoord gegee het nie? -- Ek sê dit was nie gevra nie.

Ja, maar u sê u het nie geweet watter geld betaal was vir die grond nie? -- (Geen antwoord)

Verstaan u die vraag? -- Ek verstaan die vraag.

Het u enige ander antwoord as die een wat u nou reeds (20) gegee het? -- Al wat ek kan sê is, op 'n later stadium was dit duidelik gemaak dat die geld vir die grond is soveel en die geld vir die water is soveel en al daardie daardie goed. Op 'n later stadium het ons bewus geword van daardie verduideliking.

Het u geweet wat die toedrag van sake in u eie gemeenskap was in 1984? -- Die toedrag van sake? Wees meer spesifiek, asseblief?

In verband met die omstandighede waaronder mense die reg gekry het om grond te besit en 'n huis daarop te bou? -- Dit was vir my nie so duidelik nie. (30)

Het die mense wat die verteenwoordigers daar was gevra

"Waarom moet ons R8,45 per maand betaal vir paaie wat nie eers gekraap is nie en nie eers geteer is nie?" Het hulle sulke vrae gevra? -- Hulle kon dit nie gevra het nie, want die werk was gedoen gewees. Ek sal nie sê dit was in 1984 gedoen nie, maar dit was gereeld deur die jare gedoen.

Het een of ander van hulle gevra waarom moet hulle R8,45 vir die paaie betaal? -- Nie wat ek van weet nie.

Is dit miskien gevra en u kan dit nie onthou nie? -- Ek weet nie dat dit gevra was nie. Sover dit my betref, was dit nie gevra gewees nie. (10)

Sê u dat dit nie gevra was nie of kan u nie onthou of dit wel gevra is of nie? -- Dit is nie 'n kwessie van onthou wat my betref nie, want die werk was gereeld gedoen. Dit was net onmoontlik om so 'n vraag te vra, al was dit miskien nie in 1984 gedoen nie, maar die vorige jaar het die Administrasie die werk gereeld gedoen.

Laat ons 'n bietjie weggaan van die feit af of die werk gedoen was of nie. Of dit nou gedoen was of nie, het iemand gevra "Waarom moet ons R8,45 betaal vir paaie?" -- Niemand het die vraag gevra nie. Ek het dit al gesê. (20)

HOF : Was hierdie inligtingstuk, want dit is 'n inligtingstuk wat primêr gerig is aan die een kant aan die werkgewers en nie aan die inwoners nie en eers aan die ander kant inligting aan al die inwoners, was die inligtingstuk beskikbaar toe die vergadering gehou is? -- Nee, hy was destyds nie beskikbaar nie.

MNR. BIZOS : Wanneer was die vergadering? -- Dit was in Mei-maand, in Mei of Junie. Een van daardie twee maande.

Wanneer is die dokument uitgestuur? -- Ek kan hier nie mooi sien nie, maar ek dink dit was Julie.

Maar dit kon nie na die gebeurtenis uitgereik gewees (30) het nie? Dit moes voor die gebeurtenis uitgereik gewees het?

HOF : Dit sal nie so eienaardig wees as dit na die gebeurtenis is by 'n burokrasie nie.

MNR. BIZOS : Dit is heeltemal moontlik. Our information is that this side that I am referring to was sent out.

HOF : Nee, maar jy kan nie hierdie dokument net die een kant uitstuur nie. Die ander kant gaan daarmee saam.

MR BIZOS : That is why we produced it.

HOF : Maar hoekom sê u vir my net die een kant is uitgestuur?

MR BIZOS : Presumably, because the people who have given it to us, concentrated on that. (10)

HOF : U moet of stel dat die dokument uitgestuur is of nie uitgestuur is nie, maar jy kan nie net die een kant van hierdie dokument uitstuur nie.

MR BIZOS : I do not purport to do that.

Wat van water? Het iemand beswaar gemaak dat as jy na 'n kraan moet gaan om 'n emmer water te kry, dat R3,40 per maand te veel was? -- As iemand 'n emmer water gaan kry?

Ja, dit is die reg wat hy het. Hy het die reg om van tyd tot tyd na 'n kraan te gaan op die hoek van die blok om water te kry. Het iemand gesê dat R3,40 te veel sou wees (20) vir daardie reg? -- Nee, niemand het dit gesê nie. Eerstens, glo ek nie dat hierdie dokument was al by daardie vergadering nie. Ek dink die dokument was gedruk nadat daar moeilikheid begin uitbroei het daar by daardie plek.

Maar is julle nie gevra by die vergadering waarom moes die huurgeld van R26,00 tot R38,00 verhoog word nie? -- Ons is gevra.

En as die dokument nie beskikbaar was nie, kon julle die inligting aan die mense gee? -- Ons kon, want ons het kennis gedra van die begroting. Ons het dit nog op ons swartbord (30) gehad. Ons het gaan werk aan die begroting. So, ons het

daardie kennis gedra.

Het julle vir die mense gesê van die syfers wat op die dokument voorkom?

HOF : Nie wat op die dokument voorkom nie, van hierdie syfers?

MNR. BIZOS : Van die syfers. Het u vir die mense van die syfers gesê? -- Ek sal nie sê ons het syfer vir syfer vir hulle gegee nie. Ons het net gesê wat die verhoging volgens ons veroorsaak het.

Die R8,45 vir elektrisiteit, dit is nie die elektrisiteit wat die mense in hulle huise gebruik nie, maar dit is vir (10) die paar ligte wat in elke straat is? -- Dit moet seker so wees.

Het die mense nie beswaar gemaak dat so 'n groot bedrag net vir straatligte is nie? -- Ek maak beswaar, want ek sê dat hierdie dokument ten tye van daardie vergadering was nie daar nie. U bly vir my terugstuur na die dokument toe wat nie daar was nie.

Laat ons aanvaar dat die dokument nie daar was nie. Was daar 'n poging deur die raadslede om die mense te oortuig dat die R38,00 'n regverdige bedrag was? -- Daar was so 'n poging en dit is hoekom hulle my plek afgebrand het, want hulle (20) het gesê ek praat te veel, toe ek probeer het om te verduidelik.

Wat het u probeer om te verduidelik? -- Hoe dat die verhoging gekom het.

Is u verduideliking aanvaar? -- Hy is nie aanvaar nie. Laat ek die rekord net regstel daar. Dit was nie (meganiese defek) Dit was net daardie klompie mense. Dit kon miskien tien of twaalf gewees het wat hierdie organisasies verteenwoordig het. Dit was nie die inwoners van die lokasie nie.

Miskien is 'n deel van die moeilikheid dat u nie weet (30) wie hulle verteenwoordig het nie, maar in elk geval, in u

begroting, toe u by die vergadering was, het u geweet dat daar ongeveer R8,00 geëis was vir elektrisiteit? -- Ek sal nie nou die syfers uit my geheue kan kry nie, maar dit het daar gestaan op die swartbord en dit was 'n deel van ons begroting.

HCF : Was by die vergadering op 'n swartbord die begroting uitgewerk? -- Nee, die begroting was uitgewerk by ons vergadering, die vergadering van die Raad en ons het geweet, ons het probeer om te verduidelik aan die mense.

MNR. BIZOS : En het u geweet dat daar ongeveer R8,00 vir (10) elektrisiteit was? -- Ek sou geweet het.

Het een of ander van die mense daar gevra "Waarom moet ons R8,00 betaal vir elektrisiteit as ons nie elektrisiteit in ons huise het nie"? -- Dit is moontlik dat een van hulle dit kon gevra het.

Kan u onthou wat u moontlike antwoord was? -- Die moontlike antwoord was dat elektrisiteit duurder geword het en hy word deur almal gebruik wat die strate gebruik, want dit is straatligte.

Was dit die eerste keer wat 'n verhoging gevra was in (20) verband met straatligte? -- Dit was nie die eerste keer nie.

Het een of ander van hulle gesê "Daar was hoë mas beligting aan ons belowe met die verhoging op 'n vorige stadium van die huurgeld." Kan u onthou dat dit gesê was? -- Nee, daar was nie so 'n ding nie.

Probeer om nou mooi te onthou, want ek wil aan u stel dat daar net een so 'n lig geïnstalleer was en dit was deur SA Breweries gedoen? -- Dit is reg.

Het die mense nie gesê "Kyk, die betalings wat julle huurgeld noem, is verhoog in die vorige jare, daar is niks (30) gedoen nie en die enigste sodanige lig wat ons gekry het, is

deur SA Breweries geïnstalleer" nie? Het een of ander van die mense so gesê? -- Nee en daar was ook nog nooit so 'n belofte nie.

Was daar nie 'n belofte vir sulke ligte nie? -- Nee.

Nie in die vorige dokumente wat voorheen uitgereik was nie? -- Nie wat ek gesien het nie.

Net om die volle storie te vertel, die lig is by die biersaal geïnstalleer? -- Kan ek 'n vraag vra?

Ja, seker. -- U praat van 'n belofte, van dokumente van 'n belofte. Ek weet nie of u onderskei tussen wat op die (10) begroting staan wat nie gedoen kon word vir die jaar nie of was daar 'n spesiale dokument uitgeskryf in daardie geval?

Daar is dokumente soortgelyk as dit wat ons nou het, AAQ(37) vorige jare, wat gesê het die huurgeld is verhoog vir die rede? U het so vir ons gesê. U het gesê dat die mense hierdie dokumente by die vergadering gehad het? -- Nee, ek het gesê hulle het ou dokumente by hulle gehad, waarin hulle spesifiek gesê het daardie ding en daardie ding is nie gedoen nie. Dit is wat ek gesê het.

En was die dokumente soortgelyke dokumente as AAQ(37)? (20) -- Min of meer.

En stem u saam dat die mense hierdie dokumente gebruik het om vrae te stel min of meer soos ek nou hierdie dokument gebruik om vrae aan u te stel? -- Hulle het.

En hulle het beweer, of dit nou 'n belofte was of nie, wat daarin geskryf was, is nie gedoen nie? -- 'n Paar van die dinge was nie gedoen nie. Nie alles nie.

Sal u saamstem dat die mense wat daar was, wat vrae gestel het, jongmense was? -- Hulle was jongmense.

En wat was u houding teenoor die jongmense? -- Ons (30) houding was gewees om aan hulle te verduidelik hoe dat die

verhoging gekom het.

Kan u onthou of u en/of u raadslede enige respek gehad het vir die jongmense wat gekom het om die vrae aan u te stel in verband met die verhoging van die huurgeld? -- Die teenoor-gestelde was die geval. Die Raad het eer gehad. Hulle het mooi probeer verduidelik, maar die lede het geskreeu "You are puppets, you are sell-outs and you are brain-washed by the Administration."

Kan u onthou of u gesê het by die vergadering dat daar geen rede vir die mense was om te kla nie? -- Dat ek gesê (10) het daar was geen rede nie?

Ja? -- Ek kan nie onthou dat ek dit gesê het nie, maar as ek dit gesê het, kon ek nie omgedraai het en gesê het daar was dinge wat nie gedoen was nie.

Kan u onthou of u gesê het dat die mense die griewe van die inwoners oordryf? -- Nee, ek het nie daardie woorde gebruik nie.

Kan u onthou dat u gesê het dat u besluit het om binne die sisteem te werk? -- Ek het gesê iemand anders het gesê ek werk binne die sisteem en ek het toegestem en gesê ons wou (20) dit verbeter van binne af.

Kan u onthou dat u gesê het dat as gevolg van u same-werking met die sisteem, het u genoeg brood en polonie by jou huis om die hele dorp te voed? -- Waar kom die dinge vandaan?

Ek stel dit aan u dit is wat u gesê het? -- In hierdie hof?

Nie in hierdie hof nie.

HCF : Wag net 'n bietjie. Die eerste stelling wat u nou aan die getuie gemaak het, is vatbaar dat dit gesê is op hierdie vergadering of dat dit gesê is met die samespreking met (30) biskop Tutu. Dit het baie geklink soos daar wat gesê is by

biskop Tutu. Die tweede ding wat u nou sê is natuurlik 'n heeltemal nuwe ding. U is besig om te praat van hierdie vergadering in Tumahole?

MNR. BIZOS : Ja, ek is nie by Khotso Huis nou nie.

HOF : Ons is nie by 'n ander geleentheid nie. In hierdie vergadering. Herhaal net daardie eerste stelling.

MNR. BIZOS : Dat as gevolg van die feit dat u binne die sisteem gewerk het, het u genoeg brood en polonie by jou huis om die hele dorp te voed? -- Dit is nie moontlik dat ek so 'n ding kan sê nie. Eerstens, kan ek so baie polonie in my huis ... (10)
(oorskakeling na nuwe kasset)

HOF : Word dit gestel dat hy dit gesê of dat iemand anders dit vir hom gesê het?

MNR. BIZOS : Nee, dat hy dit gesê het.

HOF : Die advokaat sê dat by hierdie vergadering het u gesê "Omdat ek saam met die 'system' werk, daarom het ek genoeg brood en polonie in my huis om die hele lokasie kos te gee"? -- Dit is nie waar nie. Dit is glad nie waar nie.

MNR. BIZOS : Het een of ander van die persone wat daar teenwoordig was by die vergadering gevra as daar - hoeveel van (20) die huurgeld wat verhoog is vir die vuilgoedverwydering is? -- Nee, niemand het dit gevra nie.

Hoeveel keer per week is die vullis van die mense se huise verwyder? -- By party plekke is dit twee maal per week en dan gebeur dit dat hulle nie vir 'n tweede keer by die ander huise kan kom nie. Die lokasie het groot geword, uitgebrei.

In die algemeen is dit een keer per week? -- Ek sal sê twee keer per week. Dan bly daar miskien 'n paar huise wat hulle nie by kon kom nie.

Het u geweet, of die dokument daar was of nie, dat daar (30) ongeveer R10,00 per maand vir die doeleindes in die begroting

was? -- Ek dink daar was R4,00 op, maar ek kon dit nie ... (Mnr. Bizos kom tussenbei)

Was daar vrae? -- (Geen antwoord)

Kan u onthou of daar vrae was of nie? -- Nee, daar was nie vrae nie.

Kan u onthou of enige van die mense wat daar gekom het die bedrae wat op die dokument was of aan die vergadering gegee was, vergelyk was met ander woonplekke, ander lokasies? -- Daar was definitief geen so 'n vergelyking nie. Dan het ek mos geweet. (10)

Sal u saamstem dat die mense wat daar was aan u oorgedra het dat volgens hulle mening die inwoners van die dorp baie ontevrede was met die verhoging van die huurgelde? -- Hulle het gesê hulle was ontevrede. Hulle verteenwoordig die mense. Hulle is ontevrede, want ek glo nie hulle het 'n vergadering gehou met die mense nie.

U sê dat die Civic Association is daar verteenwoordig? -- Ek het gesê die Civic Association se mense was daar. Daar was van hulle daar.

HCF : Is die ding se naam die Parys Civic Association of (20) die Tumahole Civic Association? Of het julle hom maar net genoem die Civic Association? -- Volgens my kennis, ek sal nie sê dit was Parys of Tumahole nie, maar ons het net geweet dit is 'n Civic Association. Ek was nog nooit daaraan verbonde nie.

MNR. BIZOS : Weet u wanneer die Civic Association gevorm is? -- Ek weet nie.

Ek wil aan u stel dat die Civic Association het nie eers bestaan toe die vergadering plaasgevind het nie?

HOF : Wanneer sê u is hy gevorm, mnr. Bizos? (30)

MNR. BIZOS : Daar is 'n ad hoc komitee gevorm na die vergadering

omdat die raadslede beweër het dat die jongmense nie die inwoners verteenwoordig nie.

HOF : Wat sê u daarvan? -- Ek weet hy was daar destyds. Mabena was die voorsitter.

MNR. BIZOS : Ek wil dit aan u stel dat mnr. Joshua Mabena nie eers by die vergadering was nie? -- Hy was nie by die vergadering nie, maar hy was die voorsitter.

Waarom het u in u hoofgetuienis gesê dat mnr. Joshua Mabena die Civic Association by hierdie vergadering verteenwoordig het? -- Ek het nooit dit gesê nie. Ek het gesê hy is die (10) voorsitter van die Civic Association.

U was gevra of daar 'n vergadering was en u het gesê ja, daar was 'n vergadering en die organisasies het gevra om die Raad te kom spreek en u was gevra watter organisasies en u het gesê Tumahole Civic Association. Sy Edele het vir u gevra wie het die organisasie verteenwoordig en u het gesê dit was Mabena. U het nie die eerste naam gegee volgens my nota nie. U het net van Mabena gepraat. -- Ek het gesê Mabena was die voorsitter van die Civic Association.

U het gesê dat Mabena het die Civic Association by (20) hierdie vergadering verteenwoordig. Nou dat ek aan u gestel het dat die Civic Association was nie eers gevorm toe die vergadering plaasgevind het nie, het u gesê dat hy nie daar was nie. Wat is die waarheid? -- Ek dink my woorde word hier verdraai.

Nee, ek wil u verseker ... -- Ek het nooit gesê Mabena was teenwoordig nie. Ek het gesê hy is die voorsitter.

Ek wil u verseker dat ek nie u woorde verdraai nie. Ek sal dit nie doen nie. Sy Edele en die aanklaer sal my nie toelaat om u woorde te verdraai nie. Ek wil weet waarom u dit gesê het in u hoofgetuienis? -- Ek het al gesê ek het (30) dit nie gesê nie. Ek het gesê Mabena was die voorsitter van

die Civic Association.

Wat sê u nou? Was die Civic Association by hierdie vergadering verteenwoordig of nie? -- Ek sê daar was lede van die Civic Association.

Ek wil vir u vra was die Civic Association by hierdie vergadering verteenwoordig of nie? -- Ek sê daar was lede van die Civic Association. Ek verstaan nie waar verskil die hele ding nie.

Volgens u, wanneer was die Civic Association in u gebied gevorm? -- Ek het gesê ek weet nie. (10)

As u sê dat Mabena nie by die vergadering teenwoordig was nie, wie was die persone wat u nou sê lede van die Civic Association was? -- Ek kan nie nou onthou nie, maar die mense het gesê die Civic Association is verteenwoordig.

Dit lyk vir my of u baie min kennis van die Civic Association het? -- Ek het geen kennis geheel en al nie. Ek weet net Mabena is die voorsitter. Verder dra ek geen kennis van die Civic Association nie.

Ek wil dit aan u stel dat Mabena nooit die voorsitter van die Civic Association was nie. Wat sê u van daardie stelling? (20) -- Dan weet ek nie, want ons was altyd onder die indruk dat hy die voorsitter was. Ons het nog na hom toe gegaan om met hom te praat oor hierdie gebeure daar by ons plek.

Miskien het u na hom toe gegaan, maar ek wil aan u stel dat Mabena nooit die voorsitter van die Civic Association was nie. Wat sê u van daardie stelling?

HOF : Sê u vir hom dat hy op die bestuur was of nie? Was hy miskien die onder-voorsitter of het hy niks met die Civic Association te doen nie?

MNR. BIZOS : Ek wil aan u stel dat mnr. Mabena 'n lid van (30) die komitee was, die intussen-komitee, maar toe die Civic

Association gevorm is, was hy nie eers 'n lid van die komitee nie. Is dit nie so nie? -- Ek weet regtig nie.

Ken u mnr. Adam Mosepedi? -- Ek ken hom.

Is u in staat om te erken of te ontken dat hy die voorsitter die Civic Association was? -- Ek kan dit nie erken nie, ek kan dit nie ontken nie. Ek het nie geweet nie.

Mnr. Mabena was 'n lid van die Raad, nie waar nie? -- Hy was voorheen. Op hierdie tydstip was hy al uit die Raad uit.

Hoe het dit gekom dat hy uit die Raad is kortliks? -- Hy kon nie die stemme kry wat vir hom geregverdig was om lid (10) te word nie.

Hy het die verkiesing verloor? -- Verloor, ja.

Ek wil iets vir u vra. Het u in Septembermaand deel gevorm van 'n optog ... (Hof kom tussenbei)

HOF : September van watter jaar?

MNR. BIZOS : 1984.

HOF : In Tumahole?

MNR. BIZOS : In Tumahole.

HOF : In die strate?

MNR. BIZOS : Ja. Op 10 September. -- Verduidelik 'n bietjie(20) verder.

Ek het vir u gesê op 10 September 1984 in Tumahole.

HOF : Gee hom nou 'n bietjie meer. Miskien het hy kerk toe gestap daardie oggend saam met 'n klompie mense.

MNR. BIZOS : Die dag toe u 'n UDF hemp gedra het. Kan u dit onthou? -- Ek het nooit 'n hemp gedra nie. Ek was nog nooit saam met die UDF nie, maar die UDF het ons uitgenooi na 'n vergadering toe.

Het u deel gevorm van 'n optog op 10 September na die kantore van die Administrasieraad? -- Ek het nie deel gevorm (30) van 'n optog nie.

Het u miskien soontoe gegaan toe daar toevallig baie ander mense soontoe gegaan het? -- Ek was teenwoordig.

En ek wil vir u vra of u nou ontken dat u op daardie dag 'n UDF hemp gedra het of nie. Sê vir Sy Edele of u op daardie dag 'n UDF hemp gedra het of nie? -- Ons kan nou die mense gaan vra, die inwoners van Parys gaan vra, ek het 'n jas aangehad. Dit was vroeg die oggend. Ek het nie 'n hemp van UDF gedra nie. Ek sal nog nooit so 'n ding doen nie.

In elk geval, het u alleen na die Administrasiekantore gegaan of saam met baie ander mense? -- Ek het alleen soon- (10) toe gestap. Daar was baie ander mense. Laat ek verduidelik om die ding in die regte perspektief te stel. Ons het verstaan die hoofdirekteur sal ons daardie dag kom sê wat sy antwoord is op die huurgeld. Daar was baie mense wat soontoe gegaan het. Daar was nie 'n optog nie. Ons het net buite die kantore gestaan.

Het die direkteur op die dag daar gesê dat dit nie nodig sou wees om die verhoogde huurgeld te betaal nie? -- Ek kan daardie vraag nie antwoord nie. Daar was net 'n paar mense wat gestuur was om met die direkteur te gaan praat. Hulle het (20) nie vir ons gesê - hulle het teruggekem en gesê hulle wag nog vir 'n antwoord.

Is die antwoord uiteindelik gegee? -- Nee, dit sou op 'n later datum gegee word.

Toe dit aangekondig was dat dit onnodig sou wees om die verhoogde huurgeld te betaal, is u op die skouers van die mense gedra? -- Ek?

Ja? -- Hoe kon ek op die skouers van die mense gedra gewees het? Ek het dan nou net bedank as lid. Ek was nie eers naby daardie verteenwoordiging nie. (30)

Het u krediet geëis vir die besluit dat die mense - dit

sou onnodig vir die mense wees om die verhoogde huurgeld te betaal? -- Ek sê nog 'n maal, ek het niks meer te doen gehad met die mense as lid van die Raad nie of as 'n leier van die Raad. Ek het net gaan luister wat moet ek betaal vir die "rent".

Dit is nie aan u gestel dat u as lid van die Raad dit gedoen het nie. Het u krediet geëis vir die verandering van die besluit oor wat die huurgeld sou wees? -- Ek het nie.

Het u nie? -- Ek het nie.

En sê u u was nooit deur die mense op hulle skouers gedra vir die krediet wat u geëis het nie? -- Vir wat sal (10) ek krediet eis? Wat het ek gedoen? Wat het ek gedoen om dit waardig te wees?

U het 'n dogter, nie waar nie? -- Ek het 'n dogter.

Is sy mev. Smith? -- Sy is mev. Smith.

Van Bloemfontein? -- Van Bloemfontein.

Wat was mev. Smith se houding oor die feit dat u aan die raadstelsel deelgeneem het? -- Wanneer? Sê 'n spesifieke tyd.

HOF : Voor of na sy winkel afgebrand is?

MNR. BIZOS : Wel, laat ons altwee neem. Voorheen, wat was mev. Smith se houding omtrent die feit dat u deelgeneem het (20) aan die stelsel? -- Sy het nooit gesê of sy daarvoor is of daarteen is voor die branding nie.

Maar toe u nou van Tumahole af moet wegbly en Bloemfontein toe gaan, het u by haar gebly? -- Ek het nooit daar gebly nie. Ek was daar vir 'n halwe dag.

Het u na u dogter gegaan? -- Dit is reg.

Het u vir haar gesê dat die mense van Tumahole blykbaar teen u was? -- Dit was nie nodig gewees nie, want sy was self in Parys gewees het na die branding.

Nee, ons praat van voor die branding? -- Voor die (30) branding?

Ja? -- Voor die branding was dit nie nodig nie.

Maar is u nie gevra deur die polisie om van u huis af weg te gaan voor die branding nie? -- Nee, dit was nadat hulle gebrand het. Dit was toe hulle besig was.

HOF : As u nou praat van brande, praat ons nou van die brand van u besigheid of brande van ander mense se besighede? -- Nee, dit is net my plek wat gebrand was. Dit is verbranding van my besigheid. Net alleenlik ek.

Net u is in Tumahole uitgebrand? -- Net ek alleen.

MNR. BIZOS : Wel, u is nie heeltemal reg nie omdat die biersaal (10) ook beskadig is, nie waar nie? -- Ek het gedink aan inwoners. Ek het gedink aan lede van die Raad.

Ja, ek lewer dit nie as kritiek nie, maar in verband met die biersaal, het die mense geweet dat u die reg gekry het of sou gekry het om 'n drankwinkel en 'n biersaal in Parys te koop? -- Laat ek die saak regstel. Die saal - u praat van die Gemeenskapsaal of die biersaal?

Die biersaal? -- Nee, ek het nie belang gestel in die biersaal nie. Ek het aansoek gedoen vir 'n bottelstoor.

Is dit langs die biersaal? -- Dit is langs die biersaal. (20)

En was dit voor Julie 1984? -- Dit was.

Was dit welbekend dat u aansoek suksesvol was? -- Ek sal nie sê dit was welbekend dat hy suksesvol was nie, want ekself het nie eers bewys gehad dat hy suksesvol was nie. Ons het nog gewag vir die antwoord. Ons het dit tot vandag toe nog nie gekry nie.

GETUIE STAAN AF.

HOF VERDAAG.

HOF HERVAT.

IN CAMERA GETUIE NR. 17, nog onder eed

MNR. FICK : Ek kan net aan die Hof meld dat BEWYSSTUK (30) AAS(7), dit is die lys erkennings wat die verdediging maak

in verband met die ketting van die videokassette, dit is getik. Ek het 'n afskrif vir My Geleerde Vriende hier. Hulle het dit nog nie geteken nie, maar ek kan dit intussen vir die Hof, indien die Hof daarvan gebruik wil maak, beskikbaar stel.

HOF : Ek het dit nie onmiddellik nodig nie. U kan miskien 'n kopie vir my gee wat u kan terugkry wanneer u die oorspronklike vir my gee.

KRUISONDERVRAGING DEUR MNR. BIZOS (vervolg) : Ek wil dit aan u stel dat die gebeurtenis van Julie 1984 u verwar het met 'n gebeurtenis wat lank daarna gebeur het. Wat sê u daarvan? (10)
-- Ek glo nie dit is so nie.

Byvoorbeeld, u sê daar was pamflette voor die vergadering van Julie 1984. Sê u so? -- U verwys na watter pamflette?

Pamflette waarvan u melding gemaak het in u hoofgetuienis? Was daar pamflette voor die vergadering van Julie 1984? -- Ek kan nie onthou nie.

En as ek aan u stel dat daar geen pamflette was voor September 1984 nie, sal u nie in staat wees om dit te erken of te ontken nie? -- Ek is nie in staat nie.

HOF : Begryp u die vraag? As u onseker is oor die vraag, (20) moet u sê? Begryp u die vraag? -- Nee.

Begryp u nie die vraag nie? -- Nee, ek begryp nie die vraag nie.

Die advokaat sê vir u "Kyk, in hoofgetuienis het u gesê daar was pamflette versprei in Tumahole waarin mense gekla het, naamlose pamflette en dit was voor hierdie vergadering in Julie 1984 wat julle gehad het met sekere organisasies." Hy sê nou vir u daardie verkeerd wat u gesê het, hy sê die pamflette was nie voor daardie vergadering nie, dit was eintlik eers in September of daarna? (30)

MNR. BIZOS : Die eerste pamflette.

HOF : Die eerste pamflette eers in September.

MNR. BIZOS : En nie naamloos nie.

HOF : En nie naamloos nie. Wat sê u van hierdie stellings?
-- Eerstens moet ek sê ek weet nie na watter pamflet verwys hy nie, want ek kan nie sê ek het al die pamflette gesien nie. Ek het dit nog nooit gesê nie.

In elk geval, is u in staat om te sê of daar enige pamflette in Tumahole was voor Julie 1984 toe die vergadering plaasgevind het? Is u in staat om te sê of daar wel pamflette was of kan u nie onthou nie of kan u nie sê nie? -- Nee, (10) ek glo nie daar was pamflette voor daardie tyd nie.

Omdat ek dit aan u wil stel dat by die vergadering die beswaar was teen die verhoging van die huurgeld van R26,00 tot R38,00. Sal u saamstem? -- Sal u asseblief dit herhaal?

Die verskil tussen die raadslede en die verteenwoordigers van die organisasies of die mense wat na die vergadering gekom het, was in verband met die verhoging wat ongeveer R10,00 was? -- Dit was.

En by hierdie vergadering was daar geen gesprek van R18,00 nie. Dit was eers baie later wat dit voorgekom het? -- Dit(20) is so.

U moet seer sekerlik kennis dra van die feit dat die bestuurder van Tumahole verander is?

HOF : Is dit die lokasiebestuurders?

MNR. BIZOS : Die lokasiebestuurder.

HOF : Is hy vervang?

MNR. BIZOS : Vervang.

HOF : Wanneer?

MNR. BIZOS : 'n Paar maande gelede.

HOF : O, nou onlangs?

MNR. BIZOS : Nou.

(30)

HOF : In 1986? -- Dit is so. Daar is 'n nuwe bestuurder.

MNR. BIZOS : Die bestuurder was ene mnr. Ströh. Dit is nou mnr. Cronk. Is dit reg? -- Dit is so.

Dra u kennis van die feit dat dit beweer word - dit is nie vir Sy Edele om te besluit of dit reg is of nie of vir u om 'n mening uit te spreek nie - dat baie van die misverstand daar in u woongebied deur mnr. Ströh veroorsaak is. Is dit so beweer? -- Nie wat ek van weet nie.

HOF : Wanneer is mnr. Ströh vervang deur mnr. Cronk? -- Ek kan nie nou onthou nie. (10)

Is dit in hierdie jaar? -- Dit is in hierdie jaar.

MNR. BIZOS : Dra u kennis van die feit dat daar onderhandelings is tussen mnr. Cronk en die mense van die Civic Association in verband met die bedrag wat 'n redelike bedrag beskou sal word as huurgeld?

HCF : U bedoel nou?

MNR. BIZOS : Nou. Die rede hoekom ek dit nou stel, is omdat ons saak is dat die R18,00 iets is wat eers baie later ter sprake gekom het. Dra u kennis van die feit dat daar onderhandelings was? -- (Geen antwoord) (20)

HOF : Verstaan u die vraag? As u die vraag nie verstaan nie moet u my sê, asseblief? -- Ek dag hy gaan aan. Nee, ek verstaan nie.

Weet u van onderhandelinge oor die huurgeld tussen mnr. Cronk en die Civics? -- Natuurlik nie. Ek is nie lid van die Civics nie.

MNR. BIZOS : Nee, maar u woon daar? -- Ek woon in die lokasie, ja.

Dra u kennis van die feit dat mense gevra is om na 'n vergadering te gaan gedurende Mei 1986? -- Daar was baie ver- (30)
gaderings gehou. Ek weet nie na watter een verwys u nie.

Baie is gehou.

Dra u kennis van die feit dat die voorstel van die Raad nou is dat daar moes R26,25 betaal word? -- Watter Raad is dit, want daar is nie 'n Raad op die oomblik nie?

Die Ontwikkelingsraad? -- Nee, ek is nie lid van die Ontwikkelingsraad nie.

Maar as 'n inwoner daar, dra u geen kennis van wat in die woonbuurt aangaan nie? -- Besluite wat hulle neem - ons het nog nie papiere gekry nie. Ek weet niks daarvan af nie.

HOF : U sê daar is nie 'n Raad op die oomblik nie. Is (10) daar nie meer 'n gemeenskapsraad nie? -- Nee, almal het bedank.

Daardie selfde tyd wat u bedank het? -- Nee, een vir een, die een na die ander een is geforseer om te bedank.

MNR. BIZOS : U sê dat hulle bedank het? -- Ek sê hulle is geforseer om te bedank.

Ons sal miskien van 'n paar van hulle hoor hoekom hulle bedank het. Dra u kennis van die dokument wat deur die Ontwikkelingsraad uitgegee is om te wys hoe die R26,25 saamgestel is? I am asking Your Lordship to ignore the writing.

COURT : Well, if he does not know about the document I am (20) not even taking it in. It is irrelevant as far as I am concerned, as far as this witness is concerned. You can hand it in through another witness.

MR BIZOS : But I would like to ask him some questions about the reasonableness or otherwise of the figures ... (Court intervenes)

COURT : Well, the question is first whether he has knowledge of it. May be he has knowledge, then you can continue. If he has no knowledge I cannot see any point.

MNR. BIZOS : Dra u kennis van die bedrae wat op die (30) dokument ... -- Ek het nog nie die dokument gesien nie. Waar

is die dokument? (Dokument word aan getuie oorhandig) Nee.

U dra geen kennis van daardie dokument nie? -- Geen kennis nie.

Sal u saamstem dat die voorstel van R18,00 vir die heel eerste keer gedurende 1986 gemaak is of in 1985? -- Ek dink in 1985.

Dit is die heel eerste keer wat u van R18,00 se voorstel gehoor het? -- Ja, dit is reg.

Waarom het u in u hoofgetuienis gesê dat 'n eis is wat gemaak is deur die mense wat by die vergadering in Julie (10) 1984 was? Het u enige verduideliking daarvoor? -- Nee, dit is 'n fout. Ek weet nie dat ek so gesê het nie.

Dit is 'n fout? -- Ja.

Maar dit is iets wat u drie of vier keer gesê het in u hoofgetuienis? -- (Geen antwoord)

Was dit drie of vier keer 'n fout? -- Ek weet nie eers of dit drie of vier keer was nie, eerstens.

Hoe het dit gekom dat u die fout gemaak het? Kan u sê? -- Nee.

Ekskuus? -- Nee, ek weet nie. (20)

Wie was u burgemeester gedurende Julie 1984? -- Dit was 'n sekere Phule.

Van wanneer tot wanneer? -- Hy was burgemeester die vorige jaar in 1984.

Wanneer was u burgemeester? -- Nog vroeër as dit, lank voor dit, want daar was nog 'n man tussen ons.

Wat was u posisie op die Raad in 1984? -- Ek was 'n gewone lid.

Net 'n gewone lid? -- Net 'n gewone lid. Niks meer as dit nie. Ek het nie eers op die komitee gedien of so iets nie. (30)

Is daar partye daar in Tumahole? -- Nee, ek sal nie sê

partye nie.

Was u die senior raadslid, om dit so te stel? -- Senior in wat?

In jare? -- In jare, ja.

Vir die tydperk wat u op die Raad gedien het? -- Ja, dit is reg.

In die Adviserende Raad se dae? -- Dit is reg.

Hoe lank was u lid van een of ander van die Rade wat aangestel was? -- Ek kan nie onthou nie, want ek het gedien gedurig van die een Urban Council tot Community Council, (10) Advisory Board. Ek is elke keer gekies.

U sien, ek sal u antwoord aanvaar dat u die burgemeester was, as u so sê, maar ek wil dit aan u stel dat u die simbool was van die Raad. U was as die senior man daar beskou. U was die persoon wat die besluite gemaak het? -- Dit is nie so nie. Die burgemeester het sy plek geneem en sy werk gedoen. Ek was net 'n gewone lid.

Ken u mnr. George Thabe goed? -- Ek ken George.

Is julle goeie vriende? -- Ons is.

Was u 'n lid van sy party? -- Nee, ek is nie 'n lid van (20) sy party nie. Daar is nie partye in Parys nie.

Was u altyd 'n goeie vriend van George Thabe? -- Ek sal nie sê altyd nie. Ek het hom nou onlangs ontmoet.

Gedurende 1983/84 was julle nie goeie vriende nie? -- Om te sê goeie vriende, dit is nie die regte benaming nie. Ons het mekaar geken.

Hoe het dit gekom dat u aansoek gedoen het vir 'n drankwinkel? -- Hy was geadverteer in Parys in die Herald. Ek het dit daar gesien.

Wat was die tender wat u gemaak het vir u drankwinkel? (30) -- Ek moes voorbereiding doen. Ek moes eers in die papiere

gekyk het. Ek onthou nie. Dit is lank terug.

Min of meer? Was dit 'n paar duisend of was dit 'n miljoen of hoeveel was dit? -- Dit was naby 'n miljoen, maar dit was nie 'n miljoen nie.

Weet u of enige ander persoon in Parys ook getender het of nie? -- Ek weet.

Wie het? -- Die voorsitter Phule. Hy het getender en nog 'n man. Ek kan nie meer onthou wie hy was nie. Daar was drie tenders.

Hoe het u op die bedrag besluit om te tender? -- Daar (10) was 'n papier wat die Administrasie voorberei het om te sê min of meer wat hulle wou gehad het. Dit was ingesluit gewees by die ... (Mnr. Bizos kom tussenbei)

Die bedrag was ingesluit?

HOF : U moet net die getuie geleentheid gee om die sin te voltooi, mnr. Bizos. U sê daar was 'n papier van die Administrasie wat gesê het ongeveer wat hulle wou gehad het. Wat was op die papier? -- Dit was op die agenda van die Raad.

MNR. BIZOS : Van watter Raad? -- Van Parys Gemeenskapsraad.

Die Raad waarop u 'n plek gehad het? -- Ja. Elkeen (20) wat gevra het om te tender, het die papier saam gekry.

Was u in staat om die koopprys te betaal? -- Ek sou 'n lening aangaan.

Deur wie? -- Ek kry altyd my lening by Small Unit Development of Barclays.

U het nog nie die drankwinkel gekry nie? -- Nee, ek het dit nog nie gekry nie. Hulle het nie eers op die tenders geantwoord nie.

U weet dat daar 'n fonds is wat vir mense wie se plekke afgebrand is in die oproerige tye waarin ons woon geld gee, (30) slagoffers van die geweld? -- Ek weet.

Het u aansoek gedoen vir hulp vir die herstel van u supermark? -- Ek het.

Het u die geld gekry? -- Dit is van die hand gewys.

Is enige rede gegee waarom u nie die geld gekry het nie? -- Ja, die rede was gewees ek kon nie presies die syfers gee hoe het ek gewerk met die geld wat ek gekry het van die Assuransie af nie. Dit wou hulle gehad het.

Het u ooit aan enige persoon of persone gesê dat u is gesê as gevolg van u bedanking kan u nie geld kry of hulp kry nie? -- Hier is 'n paar onwaarhede wat nou hier gesê is. (10)
Ek wil dit ten sterkste ontken.

Wanneer is dit gesê dat u nie geld kan kry nie? -- Wanneer is ek gesê?

Ja? -- Dit is 'n paar maande terug.

Is u gevra toe u die aansoek gemaak het hoekom u bedank het? -- Nee, dit het met die bedanking niks te doene gehad nie. Wie sou vir my gevra het?

Ek wil vir u vra in verband met u besoek aan Johannesburg. -- Heeltemal in orde.

Wanneer het u vir die heel eerste keer 'n verklaring (20) aan die polisie gemaak in verband met die besoek? -- Dit was toe ek teruggekom het van Johannesburg af. Dit was kort daarna gewees.

'n Verklaring aan die polisie? -- Aan die polisie.

Wanneer was dit? -- Ek kan nie onthou nie.

Hoe lank na die gebeurtenis? -- Sommer kort daarna.

Aan wie het u die verklaring gemaak? -- Adjudant Van Rensburg.

Waar het u dit gemaak? -- In Parys. By die polisiestasie.

So, sê u dat die verklaring in 1984 gemaak is? -- (30)
Watter een?

Die verklaring wat u gemaak het - nie in verband met die skade aan u supermark of so iets nie, maar in verband met u besoek aan Johannesburg. Het u in 1984 so 'n verklaring gemaak? -- Ek het.

Het u in daardie verklaring alles gesê wat in Johannesburg gebeur het? -- Ek het.

Aan wie sê u? -- Adjudant Van Rensburg.

Nie aan mnr. Nel nie? -- Mnr. Nel het later gekom.

Wanneer het mnr. Nel gekom? -- Ek kan nie onthou nie.

Hoeveel verklarings het u gemaak? Dit is in verband (10) met u besoek aan Johannesburg? -- Ek het een gemaak aan adjudant Van Rensburg en as gevolg daarvan het mnr. Nel my kom sien en ook gevra vir 'n verklaring.

HOF : Het hy ook 'n verklaring geneem? -- Dit is reg.

MNR. BIZOS : Het mnr. Van Rensburg, sal u sê, 'n paar dae na u bedanking na u gekom? -- Sommer 'n paar dae daarna.

En mnr. Nel, hoe lank daarna? -- Ek kan nie onthou nie.

Min of meer? -- Dan moet ek jok.

'n Week, 'n maand, 'n jaar? -- Nee, my geheue laat my in die steek. Ek is jammer ek kan nie sê nie. (20)

Waarom was dit nodig dat 'n verdere verklaring geneem moes word? -- Die polisie kan dit verduidelik. Dit is hulle besigheid, nie myne nie.

Ek is gesê dat die datum toe u die tweede verklaring gemaak het, is 18 April 1985. Sal u dit aanvaar? -- Ek kan nie onthou nie.

My Lord, I have the authority of My Learned Friend to put it in record as an admission, 18 April 1985. Toe u die tweede verklaring gemaak het, het u geweet dat mnr. Lekota gearresteer was? -- Nee, ek het nie geweet nie. (30)

Het u geweet dat mnr. Popo Molefe gearresteer is? -- Ook

nie.

Lees u nie die koerante nie? -- Ek lees maar baie swak.
My oë is baie sleg.

Het u nie gehoor dat hulle gearresteer was nie? -- Nee,
ek het nie.

Het mnr. Nel nie aan u gesê dat hulle gearresteer is nie?
-- Niks nie. Nie 'n woord nie.

Het u alles wat u aan die Hof gesê het in verband met
die onderhoud met biskop Tutu, in die verklaring gesê wat u aan
mnr. Van Rensburg gemaak het? -- Ja, ek dink so. (10)

I had the date wrong, My Lord. The two accused were
actually arrested shortly after the 18th. They were arrested
on the 23rd. Het alles wat gebeur het by die vergadering
met biskop Tutu - was dit alles in die verklaring wat u aan
mnr. Nel gemaak het? -- Dit is reg.

Jammer, wat u aan mnr. Van Rensburg gemaak het. Die
eerste verklaring, was dit alles daar in? -- Ja, dit is reg so.

Die verklaring wat u 'n paar dae na die gebeurtenis gemaak
het, het alles ingehad? -- Alles.

Is die eerste verklaring wat mnr. Van Rensburg van u (20)
geneem het aan u gewys toe u die tweede verklaring gemaak het?
-- Nee, hy is nie aan my gewys nie.

Het u hom miskien gevra om die eerste verklaring aan u
te toon? -- Ek het hom nie eers gevra nie.

Wou u nie u geheue verfris ... (Hof kom tussenbei)

HOF : Die antwoord was hy het nie gevra nie. Of hy dit wou
doen of nie, hoe is dit ter sake? Maar vra maar die vraag.

MNR. BIZOS : Wou u nie sien wat u amper 'n jaar vantevore gesê
het in 'n skriftelike verklaring voor u 'n verdere verklaring
maak nie? -- Die gebeurtenis is so helder in my geheue. (30)
Dit is 'n groot ding wat met my gebeur het. Ek het niks nodig

gehad om my geheue te verfris nie.

Dit was 'n groot gebeurtenis. Ek kan dit verstaan. Wanneer het u u tweede verklaring vir die laaste keer gesien? Dit is voordat u in die hof gekom het? -- Ek het hom gesien toe ek hom gemaak het.

Het u hom nie weer gesien nie? -- Nie weer gesien nie.

Is die verklaring aan u gelees? -- Ekskuus?

Is die verklaring aan u gelees voor u binne-in die hofsaal gekom het? -- Nee, hy is nie aan my gelees nie.

Is u vrae daarvoor gevra? -- Dit is reg. (10)

Deur wie? -- Ek ken die mense nie hier nie.

HOF : Dit is mnr. Fick wat hier sit? -- Nee, dit is nie hy nie.

MNR. BIZOS : Was dit mnr. Jacobs? -- Ek ken nie die mense se name nie. Dit mag miskien hy wees. Ek weet nie.

Was hy 'n polisiebeampte of 'n advokaat? -- Hy was in privaat klere.

HOF : Dit maak hom 'n advokaat.

MNR. BIZOS : Laat ek so vir u vra. Hoeveel van u mense was daar teenwoordig? -- Wanneer?

By biskop Tutu? -- Ons was vier. (20)

Drie en uself? -- Drie en myself.

Wie was hulle?

HOF : Ons het dit twee keer al gehad. Wil u dit weer hê.

Die een was sy dogter en die ander een was 'n vriend en die ander een was sy vrou en die ander een was hy. -- Dit is reg.

MNR. BIZOS : Was hulle teenwoordig dwarsdeur die gesprek? -- Dwarsdeur.

Het hulle deelgeneem aan die gesprek? -- Hulle het nie deelgeneem nie. Hulle het geluister.

Het nie een van hulle iets gesê nie? -- Aan wie? (30)

Enigeen van die ander drie mense? -- Nie toe ons daar

binnekant was nie.

Het u dogter of u vrou of u vriend enigiets aan u gesê gedurende die ontmoeting? -- Toe ons buite was, ja. Nie binnekant nie.

Is u raad gegee deur enigeen van die drie mense voor die ontmoeting of na die ontmoeting? -- Voor die ontmoeting nie. Na die ontmoeting ja.

Wat was hulle houding? -- Hulle het gevoel dat my lewe - ons lewens was in gevaar, die beste sou gewees het, ek moet sommer daar onmiddellik bedank het soos wat biskop Tutu gesê(10) het en nie wag om nog die saak te bespreek met die hoofdirekteur en al die ander mense nie.

Het u mense sterk beklemtoon dat u moes bedank? -- Ons het dit bespreek. Dit was nie so sterk beklemtoon nie.

Ek is jammer, ek het nie u antwoord gehoor nie, omdat 'n nota aan my gestuur is. -- Ek het gesê ons het dit bespreek, maar dit was nie sterk beklemtoon nie.

Presies waarom het u biskop Tutu vir 'n afspraak genader? -- Ek het gesien in die koerant dat hy kommentaar gelewer het op die gebeurtenisse in Parys op daardie dag. (20)

Was daar in die koerante berigte van die feit dat daar 'n optog in Tumahole was? -- Ek sal nie sê daar was 'n optog in Tumahole nie. Elkeen het gerapporteer soos hy gevoel het.

Was daar berigte dat traanrook gebruik is om wat waarskynlik 'n vreedsame optog was op te breek? -- Nee, ek wil nie so ver gaan nie. Ek wil nie so ver gaan om te sê dit was vreedsaam nie. Nee, daardie woord wil ek nie gebruik nie, want as die mense klippe in hulle hande het, kan jy nie sê dit was vreedsaam nie.

Ja, dit is wat u sê. Was daar berigte dat dit 'n vreed-(30) same optog was? -- Ek het al gesê ek kan nie onthou dat daardie

woord gebruik was nie.

Die vier van u het die biskop ontmoet in sy kantoor? --
Ja, ons almal.

Toe u met die biskop gepraat het, het u in die afwesigheid van die biskop - ek is jammer, in die afwesigheid van mnr. Lekota, mnr. Lekota se naam aan die biskop gegee?

HOF : Die aan- of afwesigheid?

MNR. BIZOS : Afwesigheid, absence?

HOF : Wat die advokaat stel is, het u met biskop Tutu gepraat toe mnr. Lekota nie teenwoordig was nie, wat u van mnr. (10) Lekota gepraat het? -- Ek het nie sy naam gebruik nie. Ek het nie met biskop Tutu in die afwesigheid van mnr. Lekota gepraat en mnr. Lekota se naam gebruik nie. Ek het net gesê UDF.

MNR. BIZOS : Is u aan mnr. Lekota voorgestel? -- Daar in die vergadering, ja. Nie hy alleen nie. Daar in die vergadering het mnr. Tutu gesê dit is mnr. Lekota en dit is mnr. Popo Molefe.

Het u hom voorheen geken? -- Nee, glad nie.

Sal u aanvaar dat hy u ook nie geken het nie? -- Nee, ek aanvaar dit nie.

U aanvaar dit nie? -- Nee. (20)

Waarom nie? -- Hy het self gesê dat hy nie geweet het dat dit ek was wat hulle van gepraat het, wat hulle sou gaan beskadig het nie. Ek was 'n skoolinspekteur.

HOF : Het hy gesê u was 'n skoolinspekteur gewees? -- Ja.

MNR. BIZOS : In elk geval, het hy geweet dat u 'n supermark gehad het in Tumahole? -- Hy het gesê hy het nie geweet nie.

Het die biskop gesê dat u met die biskop voorheen gepraat het in verband met u moeilikhede toe mnr. Lekota daar gekom het? -- Het hy gesê ek het met hom gepraat?

Het die biskop aan Lekota gesê "Kyk, u Lehlale, het met (30) my, die biskop gepraat"? Het die biskop so gesê? -- Wat hy

gesê het was in die vergadering dat hierdie man het kom vra vir 'n afspraak met julle mense, met die UDF se mense en toe sê hy vir my "Verduidelik aan die mense wat jou probleem is."

Het die biskop gesê dat u vir hom gesê het dat u het berig gekry dat TSO verantwoordelik was vir die aanval op u winkels? -- Het die biskop dit aan my gesê?

Nee, het die biskop aan mnr. Lekota gesê dat dit is wat u beweer? -- Nee.

Het hy dit nie gesê nie? -- Ekskuus?

Luister nou mooi. Het die biskop gesê dat u aan die (10) biskop beweer het of gesê het dat TSO verantwoordelik was vir die aanval ... -- Hy het nie.

Hy het nie so gesê nie? -- Hy het nie so gesê nie. Dit was ook nie TSO nie. Daar was vier organisasies wat daardie dag gepraat het en 'n skare mense het my plek kom beskadig. Hoe kon ek gesê het dit is TSO?

Het u die biskop aan mnr. Lekota hoor sê dat dit beweer is, dat daar gerugte was dat die UDF verantwoordelik was vir TSO se gedrag?

HOF : Laat ons net eers duidelikheid kry. Sê u dat biskop(20) Tutu gesê het aan mnr. Lekota dat die getuie berigte gekry het dat die UDF agter die ding sit?

MNR. BIZOS : Ja, deur TSO.

HOF : Deur TSO te gebruik?

MNR. BIZOS : Deur TSO te gebruik.

HOF : Wat sê u daarvan? -- Dit is nie waar nie. Daar bestaan nie so 'n ding nie.

MNR. BIZOS : Het mnr. Lekota gevra dat mnr. Molefe na die vergadering in die biskop se kantoor moet kom?

HOF : Die samespreking waar die getuie nou was? (30)

MNR. BIZOS : Ja, waar die getuie nou is. -- Die biskop het

saam met hulle albei gekom. Hy het hulle gaan roep uit 'n ander kantoor uit. Hy het saam met hulle gekom.

Kan u onthou dat mnr. Lekota gesê het dat hy niks daarvan weet behalwe wat hy in die koerante gelees het nie? -- Mnr. Lekota het nie - dit is nie 'n kwessie van onthou nie. Hy het dit nie gesê nie.

Wat het mnr. Lekota gesê? Wat is die eerste ding, volgens u weergawe, wat mnr. Lekota gesê het? -- Ek het in my verklaring gesê dat mnr. Lekota gesê het dat ek saam met die sisteem werk teen my mense. My mense is baie kwaad vir my. (10)

Is dit die heel eerste ding wat hy gesê het? -- Dit is wat hy gesê het.

Het hy geen melding gemaak van enige berigte van die gebeurtenis in die koerante nie? -- Ek het gesê ek het gesien in die koerante ... (Mnr. Bizos kom tussenbei)

Het hy geen melding gemaak van die berigte in die koerante nie? -- Nee, hy het nie.

Het u spesifiek daar in die biskop se kantoor gesê dat die UDF of TSO of albei verantwoordelik was vir die aanval op u persele? Het u dit gesê? -- Ek kon nie so 'n stelling maak (20) nie. Ek het dit nie gemaak nie. Ek kon dit ook nie maak nie.

U het geen melding gemaak aan die biskop by die ontmoeting of voorheen dat dit die inligting is wat u gehad het nie? -- Nee, ek het nie.

So, volgens u weergawe was daar niks vir mnr. Lekota om te erken of te ontken nie omdat geen bewering teen die UDF deur u gemaak was nie? -- Daar was niks wat hy kon erken of ontken nie... (Mnr. Bizos kom tussenbei)

Omdat u geen bewering gemaak het nie?

HOF : Die getuie is nog besig om te praat. Praat klaar? -- (30)
Al wat ek gesê het was, hy dra kennis van die gebeure daar,

hy het geskryf in die koerant. Dit is al.

MNR. BIZOS : Het hy nie gesê hy het net u naam in die koerant gesien en in die koerant gesien dat 'n persoon met u naam se besighede beskadig was nie? -- Het mnr. Lekota dit gesê?

Ja? -- Nee, hy het nie so gesê nie.

Het hy gesê dat in sy onderhandelings met TSO en ook met alle ander organisasies hy nooit van enige klagte teen u gehoor het nie? -- Hy het nie een woord gepraat van TSO of enige organisasies nie.

Het hy gesê dat hy verstaan het dat die inwoners van (10) Parys 'n vreedsame optog wil hou teen die feit dat die huurgeld verhoog sou word? -- Hy het drie dinge genoem hoekom hulle organisasie teen die reger is, nie die inwoners van Parys nie. Hy het gesê dit is apartheid, AVB en hoë "rent".

Het hy nie gesê dat hy, volgens sy inligting, die mense 'n vreedsame optog daar wou hou nie? -- Hy het so gesê.

En verder dat sy inligting was dat die polisie traanrook gebruik het sonder, volgens sy inligting en mening, enige regverdige rede? Het hy dit gesê? -- Hy het gesê - miskien is dit dieselfde ding - die ding wat die mense wild gemaak het (20) was gewees toe die polisie skiet met traangas.

Het hy gesê dat klaarblyklik daarna is wat u winkels aangeval was? -- Nee, hy het dit nie gesê nie.

Was dit duidelik van wat hy aan u gesê het dat hy van mening was dat die feit dat die polisie traangas gebruik het by die optog, die mense wild gemaak het? -- Dit is wat hy gesê het.

En dit is toe hulle wild geword het, dat hulle u besighedsplekke aangeval het? -- Dit is so.

HOF : Het hy so gesê of is dit wat gebeur het? -- Dit is (30) wat gebeur het.

MNR. BIZOS : En dit is ook wat hy gesê het? -- Dit is wat gebeur het.

En dit is wat mnr. Lekota gesê het wat sy inligting was?
-- Nee.

Het hy dit nie gesê nie? -- Nee, hy het dit nie gesê nie.

'n Rukkie gelede het u gesê dat hy dit gesê het.

HOF : Dit is nie wat die getuie gesê het nie. U en die getuie was nie op dieselfde golflengte nie en daarom het ek die vraag gevra, maar gaan maar voort. Die eerste antwoord was dat hy dit nie gesê het nie. Of dit nou baie belangrik is of nie, (10) is nie ter sake op die oomblik nie, maar hy het nou twee keer gesê hy het dit nie gesê nie en die ander keer toe hy met u saamgestem het, het dit gegaan oor die feit waarom die mense kwaad geword het en sy winkels aangeval het.

MNR. BIZOS : Kan u onthou of daar enige gesprek was tussen u en mnr. Lekota en die biskop waarom u miskien uitgekies was as die persoon wie se eiendom aangeval was? -- Die biskop het gesê toe die skare daar weggaan, om hulle frustrasies uit te haal, het hulle my gebou gesien en daarheen gegaan en dit met klippe gegooi. (20)

Was dit nie 'n verduideliking wat deur mnr. Lekota en die biskop gegee is as gevolg van 'n bewering deur u dat die UDF miskien verantwoordelik was nie? -- Ek het nie gepraat daarvan dat die UDF verantwoordelik was nie. Ek het gaan hoor by hulle wat het ek gesondig.

Kan u onthou dat mnr. Lekota aan u gesê het dat die UDF 'n vreedsame organisasie is en dat dit nie mense aanraai om ander mense se eiendom te beskadig nie? -- Hy het dit nie gesê nie, volstrek nie.

Het hy miskien die teenoorgestelde gesê, alhoewel die (30) bewering nie gemaak is nie? -- Nee, hy het nie. Hy het niks

gesê nie.

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HOF : Dit word genotuleer beskuldigde nr. 9 is terug in die hof.

MNR. BIZOS : Kan u onthou hoe lank die gesprek daar in die biskop se kantoor geduur het? -- Ek sou sê ongeveer dertig minute of so iets.

En u het vir ons in u hoofgetuienis gesê dat die biskop iets gesê het in verband met die optrede van skare wat u nie verstaan het nie? -- Dit is reg.

Kan u onthou wat hy gesê het wat u nie verstaan het (10) nie? -- Nee, ek kan nie sê nie, want ek het nie verstaan nie.

Kan u onthou wat hy gesê het wat u nie verstaan het nie? -- Ek het geantwoord, ek het gesê nee, ek kan nie onthou nie, want ek het nie verstaan nie.

Kan u onthou of die biskop gesê het dat skare van mense wanneer hulle kwaad word het hulle hulle eie wil? -- Ek weet nie of 'n mens dit in soveel woorde kan uitdruk nie, maar die indruk wat hy vir my gegee het is dat hulle nie meer rasioneel is nie. Hulle redeneer nie meer rasioneel nie.

En hulle, die lede van die skare, is baie moeilik om (20) te beheer? -- Dit mag wees, maar hy het dit nie gesê nie.

En dat as daar 'n vreedsame optog is en die polisie traan-rook gebruik of op mense skiet, die mense baie kwaad word en hulle is amper nie verantwoordelik vir wat hulle doen nie? -- Hy het dit nie in soveel woorde uitgedruk nie. Hy het nie so gesê nie.

Wat wou u hê die biskop moet doen of sê om u te help? Wat was u versoek? Waarom het u na hom gegaan? -- Ek het na hom gegaan met die hoop dat hy 'n stop sou sit aan die mense - dat hulle albei 'n stop sou sit aan die mense wat my vervolg (30) het, want hulle het geweet wie dit is.

Wat was hulle antwoord? Het hulle dit ontken of erken dat hulle weet wie dit is? -- Hulle het nie gesê hulle weet wie dit is nie.

Het hulle ontken dat hulle weet? -- Ook nie ontken nie.

Ook nie erken nie? -- Ook nie erken nie. Hulle het net gesê my optrede was verkeerd gewees.

HOF : So, die blaam is op jou gegooi? -- Die blaam is op my gegooi.

MNR. BIZOS : Het hulle nie gesê "Kyk, ons weet nie wie verantwoordelik is nie en ons kan nie vir hulle sê om dit nie (10) te doen nie"? -- Wat hulle gesê het, het ek in my verklaring gesê. Hulle het gesê vir solank as wat ek aanhou om my mense kwaad te maak, sal hulle nie optree en vir hulle vra om op te hou nie.

Ek wil u vra om asseblief te luister. Het die biskop in Engels gepraat? -- Hy het in Engels gepraat.

Omdat dit van belang is, wil ek dit in Engels aan u stel. -- Maak u stelling.

That you asked "Bishop, please make a call on the community not to be against me and not to attack my property." Het u so (20) virdie biskop gevra? -- I asked him please to talk to the leaders, to tell the community not to attack my property.

So, you asked him to tell the leaders of the community to tell the community not to attack you? Is that it? -- Yes.

HOF : Het u dit vir hom gevra of vir hulle? -- Hy het die praatwerk gedoen, maar dit was in 'n vergadering. Dit was veronderstel dat as hulle saam werk en hulle dra kennis, sal hulle probeer help.

MR BIZOS : May I continue in English? Did the bishop, when you asked him this - is it not then that the bishop said (30) that crowds have a will of their own? -- He said that before

when he was explaining the reason why the crowd attacked my place. A will of their own, that is something I am hearing for the first time. I expect they do have one.

Do you recall the bishop saying this that the crowd would not listen to him or to any other leader if they had grievances and they became angry? -- He did not say that, positive.

Did he not say that? -- No.

Did he say that it appeared to him from what he had read and what you had told him that membership of the council was sought by the people to be part of the reason of their sufferings? -- He did not say that. (10)

Do you say that Bishop Tutu told you to resign? -- I am saying so unequivocally.

Did he say to you that you must resign or did he advise you to resign? -- He said for as long as I do not resign, they would not ask the people to stop pestering me.

So, just let me get this clear. Your evidence is that there would be no call for peace against you personally until you resign? -- Yes.

Without any reference to their inability to control an angry crowd? -- They did not talk of inability to control a crowd. They told me that they had contact with the leaders there and they could even phone them if only I had done the right thing.

Is your evidence that the bishop told you that he could prevent attacks against you? -- What I am saying is that he would phone the leaders and tell them - to tell the people that I had resigned, they must stop pestering me.

Did you get the impression that the bishop himself had personal contact with the people in Tumahole? -- I would not go so far as to say he personally had contact with the (30)

people in Tumahole, but there definitely was a link.

Between the bishop and the people in Tumahole? -- Between both of them and the people in Tumahole. The leaders of the people in Tumahole.

CCURT : When you say both of them, do you mean the three of them or only two of them? -- I mean Terror Lekota and the bishop. I am excluding Popo Molefe, because he said nothing.

MR BIZOS : Did anybody make any mention of any people in Tumahole at this meeting? -- Yes, I have said so that they said that they had contact. (10)

With which people? -- With Mosepedi. That he is a responsible man and that he just phoned him that morning.

That they had phoned him that morning? -- They had just finished talking to him.

Did they say what the telephone call was about? -- No, they did not tell me. They would not, because it was confidential.

They described Mosepedi as a responsible man? -- They did.

Responsible in what regard? -- I do not know. (20)

Was it not responsible in the sense that he is not the sort of person who would advise people to do damage to other people's property? -- I would not say so.

What did you think that they meant by responsible? -- I self was wondering what they meant by responsible, because I know Mr Mosepedi better.

Did you tell them "Well, if you are relying on Mr Mosepedi's responsibility you are wrong"? -- I did not, because I was expecting help from them. If they could use Mosepedi in the way that I was asking, well and good. Why should I tell them(30) they are wrong?

What do you know about Mr Mosepedi? Or did you know at the time? -- I know him as a person. I taught him.

What is his occupation? -- He is a driver of the hearse of SAFFAS Undertakers, Bosman.

Do you say that the persons there present, that is Bishop Tutu and Mr Lekota told you that if you did not resign they would not intercede on your behalf? -- I am saying so.

Not that they were unable to control the situation? -- No, no, no. There was not the slightest notion of their being unable. (10)

On what basis did you think that Mr Mosepedi was not a responsible person? -- Well, you will make your own judgment of the ability and responsibility of your scholars and you watch their progress as they go along. You never sever connections with them. You always are interested in their doings and so on.

What is Mr Mosepedi's age more or less? -- I think he is about 40 something.

Late 40's, early 50's? -- I would not know.

Did you at that meeting ask for any assurances that you would be protected if you resign? -- I did not ask for assurances. I took them on their word. (20)

Are you saying that they told you that if you resign you would have no more trouble? -- They said they would tell the people - the leaders to tell the people not to pester me and that is what they did. They did just that.

When did they do just that? -- Immediately after they learned that I had resigned.

To who did they say what? -- I do not know. The pestering stopped there and then. (30)

But your shop was attacked again even though you resigned?

-- It was attacked a few months later.

Even though you had resigned? -- Even though I had resigned.

You say that even though assurances were given to you, they did not come to pass? -- I could not for certainty vow that the people who attacked me are the same people that attacked my shop previously. Why I am saying that, if you will allow me, is that to us the thing started, well, it seemed as if it concerned politics, it concerned the inhabitants, but now of late, it seems to have taken a new turn. So many (10) people have jumped onto the band-wagon. People, ex-prisoners, loafers, people with jealousy, they would just come and burn your place. That is what is happening now. So, I could not swear that those were still the same people.

How do you know whose band-wagon it was originally? -- Well, we know - at least I know because I got an explanation from Khotso House that in the first place it was apartheid, in the second place it was AVB in Afrikaans and then in the third place it was higher escalating rent.

AVB? -- Yes, in Afrikaans. (20)

ASSESSOR (MR KRUGEL) : Algemene verkoopsbelasting. GST.

MR BIZOS : But you see, the answer that was given to you at Khotso House in the way in which you summarised it, would seem to suggest that the people that you spoke to really articulated the grievances of the community, not so? -- If you want to take it that way.

Did you take it that way? -- I still felt that I had done so much service for the community, I would not have had that passage.

Perhaps you were a victim of it, of those policies? (30)

-- You say perhaps ... (Mr Bizos intervenes)

What do you say? -- I cannot stop a man what he thinks.

What did you think? -- I have said what I think.

Do you not recall that Mr Popo Molefe did in fact say something? -- No, I do not recall him saying anything.

Let me tell you what he did say. First of all, did he say that the UDF was not in any way involved in any arrest or unrest in Tumahole? -- He did not say so.

Well, I put it to you that he did. Did he say that the UDF was opposed and strongly opposed to the policies of the government? -- That, as far as I am concerned, I have said (10) it, came from Terror Lekota.

And that the UDF was not responsible for attacks on individuals' properties? -- I think he must have told you that just for the sake of solidarity with these men, but he did not say that to me.

Well, what was he there for? After all, he is a senior man? -- Terror said what he wanted to say and even before he said it, the bishop snapped it from him and he took control of what Popo was saying.

I am going to put it to you that this is what he said (20) in answer to your suggestion that you had information that the UDF or UDF people were responsible for this. What do you say to that?

COURT : Well, he has already said that he said nothing. -- I told you that no mention was made of the UDF at that meeting as such.

MR BIZOS :

So, you say that the UDF was not mentioned at that meeting at all? -- Not as the people who are making trouble. He did not mention the UDF. He just talked about the inhabitants and the leaders. (30)

Of your community? -- Of my community.

So, just let us make it quite clear. On your version the word UDF or the initials UDF were not mentioned at all throughout that meeting? -- They were not. They were only mentioned insofar that I said they had made a comment, the UDF people, Popo Molefe and Terror Lekota had made a comment in the paper, but they as members, nothing was said about them.

Whose idea was it originally that you should go to the bishop? Yours or one of your relatives? -- Actually my wife was the first to see it in the paper. A discussion developed. I cannot say who it was, but between her and the daughter (10) it finally came out that we better go and see the bishop.

Are you Anglicans? -- I beg yours?

Are you or your family members of the Anglican Church? -- The NG Church.

So, you were not really approaching your bishop? -- No, he was not my bishop.

Precisely when did you make the decision to resign? -- Well, I could say for fear of what was happening to me, I decided, although I did not say so, I decided in Khotso House, but I wanted to be given time to go and round off my business(20) with the people I was working with.

Did you at the meeting with Bishop Tutu and Mr Lekota and Mr Molefe, yourself express any reservations about policies that may have led to difficulties? -- No, not at all.

When was your resignation announced? -- Announced by me?

Yes? -- It was Friday that week when I phoned the bishop and told him. It was announced later by the press.

Did you give the newspaper men your true feelings? -- I told them what had happened. I gave a report of what had happened. Here was no time for feelings now. (30)

Did you tell the press what you told His Lordship? -- That?

That Bishop Tutu and Terror Lekota told you that attacks against you would only stop - be stopped by them if you resign? Did you tell the newspaper men that? -- I do not think I mentioned that to the paper. I cannot remember mentioning that.

You must have told the newspaper people everything except the most important part of your conversation? -- May be.

Why did you fail to mention the most important part of your conversation to the newspapers? -- What might seem important to the defence, may not seem important to me. He calls it most important telling them that. If I could get them to (10) report my story without necessarily telling them that, what would have been the difference?

Well, do you not believe in telling the truth, the whole truth and nothing but the truth? -- I do.

Do you not agree that it would be the scoop of the week at least if you were to tell them that the Bishop of Johannesburg and the publicity secretary of the UDF are only prepared to protect a retired school inspector in Turahole if he resigns from the council? -- My interests were not creating a scoop. My interests were stopping - getting this to be stopped. (20) I might be creating a scoop and still antagonise the men on the other side now.

Oh, I see. Well, then, did you do the opposite? Did you go to the police immediately and make a statement and say "that these people have really compelled me, they have extorted my resignation from the council"? -- I only made a report.

That you had a meeting? -- As I have made it in my statement.

Did you say to the police in your first statement that you were told by Bishop Tutu and Mr Lekota that they would (30) only protect you from attacks in Tumahole if you resign from

the council? You said that in your first statement? -- I said so.

In your first statement. After you made a statement in relation to your resignation, did you take any part whatsoever in community affairs? -- I took no part whatsoever in community affairs. What would be the use of serving the people that could turn and do that to you?

Was anyone arrested for the damage of your property? -- There was one boy, the boy who struck the match, who poured petrol and struck the match. It is not a boy, he is a man.(10) He got lashes. He got cuts.

Just one person? -- The blame was placed on him.

Do you know what time of the day or night your shop was burnt? -- It must have been in the afternoon roundabout 14h00 after they had looted it.

COURT : Could you give me the date it was burnt? -- I have got my dates mixed up, because I do not know whether the Sunday was the 17th or the 15th.

Was it on a Sunday? -- It was on a Sunday.

Either the 15th or the 17th of July? -- Of July. (20)

MR BIZOS : We will agree that it was the 15th.

COURT : Sunday, 15 July 1984. When you were at Bishop Tutu, how long after that Sunday was it? -- Look, if it happened on the 15th, on the 16th I slept at Vredefort. On the 17th I was in Bloemfontein and that same day we pushed right through to Johannesburg.

So, it is two days afterwards? -- Two days afterwards.

MR BIZOS : What time was the march on the 15th? -- I do not know. I only saw them at 10h00 as I was going out of the shop. I do not know what time the march was. When it started, (30) where it started.

WITNESS STANDS DOWN.

COURT ADJOURNS.COURT RESUMES.IN CAMERA WITNESS NO. 17, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : Do you agree that from the time of the last elections prior to 1984 there were constant calls for the resignation of councillors? -- That could have been in other areas, but there were no constant calls in our area.

I just want to indicate to Your Lordship that Reverend Moselane, accused no. 3 is back.

COURT : It is noted. (10)

MR BIZOS : At the time that you were called puppets and other uncomplimentary names, were there no calls for your resignation? -- Well, it was at that meeting that was held by these four groups, they, themselves, after calling us puppets and so on, called for our resignations. They did.

Were you aware that there was a general outcry against the council system? You as a councillor, of a man of affairs, were you not aware that there were strong objections to the council system? -- I must state that in my area the people were quite satisfied. This was a strange thing. It came (20) from without. Where it came from, I do not know, because it was peaceful all the time.

It was peaceful right up to the Sunday when teargas was used? -- Right up to the day of the meeting. Then trouble started.

Which meeting? -- The meeting with the Tumahole Student Organisation and the Civic Association and the UDF and all these people.

We have been through that already. You told us that you did not know if the Civic Association was in existence. (30)

COURT : But now you are switching around, Mr Bizos. You are

asking him when did the trouble start and he says it was at that meeting. Let us not go back right off the point. The point is when did it start and he says it started at approximately that meeting.

MR BIZOS : Was that the first time that you heard the word "puppet" used? -- We were shocked.

Had you not heard that even Mr George Thabe had described some of the council, the type of the council that you had been on as puppets? Had you not heard about this debate that was going on for years? -- No, I had not heard about it. (10)

You never heard about it? -- No.

Had you not heard before you went to Bishop Tutu or before you phoned Bishop Tutu that there were calls for the resignation of councillors? -- There could have been, as I say, in other areas, but I did not take note of them, because we were peaceful.

Do you say that you had not heard of it? -- I say they could have been there, but I did not note them, because they did not affect us. They were far away from us. I did not hear that. (20)

When your store was burnt, did you hear that there were calls for the resignation of councillors? -- Oh, yes. Then there was a turmoil right through.

Did you hear of calls for the resignation of councillors before you went to Khotso House? -- As I say, it only started at that meeting there. After that meeting I had heard nothing.

Had you heard of calls for the resignation of councillors before you went to Khotso House?

COURT : Is that now pertaining to his area or in the country as a whole? (30)

MR BIZOS : Generally. -- I must state that I was not aware,

I was not aware of those calls.

I thought you told us that at the time that your shop was burnt you heard or had heard of the call for councillors to resign? -- After my shop was burnt.

You did hear. So, before you went to Khotso House you had heard of the general call for the resignation of councillors? -- No, no, no. Going to Khotso House - the burning of my shop and going to Khotso House was almost simultaneous. I did not have time to hear of anything else, because I slept at Vredefort, slept at Bloemfontein and then went right up (10) to Johannesburg.

Was there not much newspaper publicity after the trouble in Tumahole? -- I do not know. You can understand that I was in big trouble and what might have been in the papers, I hardly even looked at the papers. I was so worried.

Let me take you back to the meeting with Bishop Tutu. Do you recall telling the bishop and the other people there present that you had considered that you had dedicated your life to the service of your people? Did you say that? -- I could have. I do not remember. (20)

And did you list your achievements that you had risen to the state of school inspector? -- No, that was uncalled for. It was not necessary. It was completely out.

Did you not say that you were a school inspector? -- No, it was not even necessary.

Did you not mention how you had served your people? -- As I say, I do not remember, but if I served them in any capacity, outside being a councillor, then that was completely uncalled for for me to have stated that.

Had you in your own mind connected the fact that you (30) were a councillor with the attack on your shop before you got

to Bishop Tutu? -- Yes, I did particularly in view of the fact that we already had a clash at that meeting.

As soon as you came to that meeting, did you indicate that you did not deserve the fate that had befallen you? -- Which meeting is that?

The Tutu meeting? -- Oh, no.

You did not deserve the fate that had befallen you? -- No, it was not necessary for me to say that. I did not say it.

Did you not say that although you had spent of your life serving your own people, here was the fact that you were a (10) councillor apparently being responsible for the damage that was done to you? -- I did not talk about myself, except that I wanted help, protection.

And did you not say that this was a disservice to you, what had happened was a disservice to you? Did you say that? -- I did not say that. I was not concerned with my service to the people as such.

And did you not say that you were so shocked with what had happened, despite your service to the community, that you were going to walk out of public life? -- I did not say it (20) emphatically.

And that you were concerned about your compensation and had that not been a matter of concern to you, that is the compensation, you would have already announced your resignation? -- Compensation for what? What is the nature of the compensation?

You were concerned about getting compensation for the supermarket that had been destroyed? -- That matter came much later. In fact it was raised by the Administration at one of the meetings much later. They called for the people whose (30) places had been burnt down and then they explained this thing,

but it could have been months afterwards.

Do you not recall that you were concerned about compensation - you yourself were concerned about being compensated for the damage that had been done to your property? -- I did not know that there existed such a thing as compensation for a thing like that.

Well, I am going to put to you that it was generally known ever since 1976 when a lot of people suffered damage in Soweto that compensation was paid to the victims of unrest and you knew it when you came to the bishop? -- I did not. In your(10) profession you might have met it, but I did not know about it.

Well, I am putting it to you that you did know about it, because you said that you were concerned that your resignation might deprive you of the possibility of getting compensation and if you were sure of that, you would have already, you would already have resigned? -- I wish that could be blotted completely out of the minds of the people here, because I had not known about it.

And that the question of your resignation came from (20) you? -- In which way?

The question of resigning came from you at this meeting? -- In what way did it come from me?

In the way I have suggested to you? That you said that if you had been certain that it would not affect your compensation you would have already resigned? -- I do not know where the defence gets all this, but this is really shocking how things like this can be brought, even though I tell you I did not.

Yes, but I get it from the people who were there? -- (30) Who were where?

At the meeting, that that is what you said? -- I am sorry, but this is far from me. I never thought of compensation.

Do you mean to say that you never thought of what was going to happen to the damage that you has suffered, whether you would be compensated by someone? Did that never occur to you? -- It did not, because I was not aware that there was such a body. The President's Council. I was not even aware there was such a body. As I say, we were made aware of this thing by the Administration. We were all called together. There were Black people, Indians and all. (10)

Did it not occur to you before you went to the meeting with Bishop Tutu that one of the ways in which you could get out of the difficult situation that you were in, was to resign? -- It did not occur to me until I spoke to Bishop Tutu.

I am going to put to you that that is not correct and what is correct is that you came there and resignation was in your mind, because that is the way you put it, if you were sure of your compensation, you would already have resigned? -- This is far from me. This is being forced on my by the defence. I never had that thought in me. (20)

Do you recall whether or not you telephoned Mr Popo Molefe after your meeting with Bishop Tutu? -- I never telephoned Mr Molefe.

Are you sure? -- I am sure.

The evidence is going to be that you telephoned Mr Molefe and you asked Mr Molefe to make a public statement on your behalf that you had resigned? -- What had Mr Molefe to do with it, when I promised to telephone the bishop himself? Which I did. Why call in Mr Molefe at all?

Do you deny that you telephoned Mr Molefe and told him (30) to announce it? -- I did not, emphatically not. It was not

even necessary.

And that Mr Molefe told you that it was not his business to make statements on your behalf. Did you do that? -- All this is just a fabrication. I do not understand it.

Mr Molefe and Mr Lekota will say that it is you who is fabricating? -- They are fabricating. If they told you that, then they are fabricating.

Do you recall that Mr Molefe told you that if there was any announcement to be made, that you had to make it and that he gave you the telephone numbers of the various newspapers?(10)

COURT : Any way, it is no good putting that to the witness. The witness says there was no such conversation. You can put the whole conversation to him and he can just deny it. It is no good going through it sentence by sentence.

MR BIZOS : Did you get the newspapers' telephone numbers from Mr Molefe? -- I did not. Bishop Tutu set them. He sent them down.

You did not telephone any newspapers? -- No.

You see, I am going to suggest to you that you found yourself in a very difficult position. Is that correct? -- It (20) is not correct. I do not understand why in a difficult position, unless you would explain further.

You found yourself in a very difficult position after the attack on your business and on your home?

COURT : In what sense?

MR BIZOS : As to what you should do in the future?

COURT : Financially?

MR BIZOS : No.

COURT : Building up the business or resigning from the council or retiring from business? What do you mean? (30)

MR BIZOS : In relation to your future and public life? --

I did not need any public life, if you mean serving the people, because you can serve the people for as long as they accept your service. If they through it back to you, what do you want to serve them for?

Were those your true feelings at the time after your shop was burnt? -- They were.

Therefore, if what you have just said is correct, you were in a mind to give up public life and membership of the council?

COURT : At what stage? (10)

MR BIZOS : After your shop had been burnt and your house was attacked? -- The right approach would be in the first place, I was concerned about my plight, my life, the life of my children. I had to solve that first of all and that brought me right up to Bishop Tutu and in Bishop Tutu's office I decided after he talked to me really I should resign.

The question was whether what you have just said, namely why should you serve the people if they throw it back at you, whether those were your true feelings after your shop had been burnt? -- There was absolutely no space for that yet. I (20) was running for my life.

Well, that makes it an additional reason, that your shop having been burnt and your having to run for your life, where it your true feelings that there was no purpose in your serving the people or continuing to be a member of the council? -- The defence is forcing that onto me. That is not the way my mind worked.

When you said what is the good of trying to serve the people if they throw it back at you, did you mean by that that you were completely disillusioned with the continued service(30) of the people through the council or in any other manner? --

I was replying to your question when you said that I realised I could not serve my people any more, something like that.

Were those your true feelings? -- Not where you place them. Your sequence is absolutely wrong. When a man is faced with death, he tries to solve that first of all and when that is over, then he considers his job and so on and what he could do and that could not happen until I had been to Bishop Tutu.

Were you completely disillusioned as soon as your life was threatened and your property was destroyed? -- I had time, as I must say again to you, first of all, before the dis- (10) illusionment, to try and think about my safety. That brings you right up to the visit to Bishop Tutu and then afterwards, then I thought to myself well, what is the use.

Whilst you were thinking about your safety, was not your disillusionment at its highest? -- Impossible. You think of your life first of all.

And the reasons why it may have been endangered? -- And then you come and think afterwards about what you will do next.

Very well, I have made my point. Thank you. Tell me, did you go to the director of the Development Board after (20) you left Bishop Tutu? -- No, I phoned him.

COURT : Is that Mr Ganz? -- I phoned Mr Ganz.

MR BIZOS : Did he advise you to resign or not to resign? -- He felt that I should not resign, but I decided to resign.

Did you and see any one else? -- The township manager.

Did he advise you to resign or not to resign? -- He was sorry, he did not want me to resign.

How long after you left Bishop Tutu's office did you announce your resignation to the newspaper people? -- They came almost immediately on Friday afternoon, when I phoned Bishop (30) Tutu in the morning.

What day of the week was the meeting? -- It was a Friday.
Do you mean the paper? The day the papers came?

No, what day of the week was the meeting with Bishop Tutu?
-- It was a Thursday.

So, you announced your resignation the next day? -- The following day.

The members of your family who were there at Bishop Tutu's meeting, are they in the immediate vicinity of the court? -- There is only one, my daughter, but her friend is also here.

The friend that was with you is also here? -- That is (10) correct.

I want to go back to the documents that I was referring to this morning. I do not want to spend too much time on them. I am going to suggest to you that these were some of the documents that were placed before you. Would you please have a look at this document in relation to the rentals that were paid between 1981 and 1982.

COURT : What is the heading of the document?

MR BIZOS : "Community Council Parys. New tariffs and rentals. Notice to residents. Dated 4 March 1981 at Sebokeng." (20)

COURT : I seem to remember that you have got problems with your eyes? -- Yes. I have got glasses, but they are broken now.

You can read it to him, Mr Bizos.

MR BIZOS : This document is headed "Community Council Parys. New tariffs and rentals" and on the opposite of that page they say "Information to all the residents of Parys. The site rentals will be payable from 1 April 1981 to 30 March 1982 in the townships of Parys. Will be used to provide the following services in the townships." Do you recall whether such a document was placed before you at the meeting which was (30) held between the council and the certain representatives of

the community? Do you recall that there was such a document before that meeting? -- Not before the meeting.

At the meeting? -- It was at the meeting, but even then I cannot recall that that was the particular one, because one had a piece here of 1983, one had one of 1982. They were not complete and I cannot now say that I saw that particular one.

Do you agree that at that time, the rental that was to be paid up to 30 March 1982 was R14,50? -- It is quite possible.

And do you recall that there was a break up as to how the R14,50 came about? -- I would not say I can remember (10) that.

You told us that the rental would in 1984 go up to R38,00 approximately? -- I said approximately R36,00, R37,00.

Would you agree that that would have been more than double? -- I do.

Were there strong objections in the meeting in doubling the rent within a period of just over two years? -- I do not think that that in comparison with the work that has to be done, that was being done and to be done, that was surprising. It was not surprising at all. I think it was reasonable. (20)

This is may be what you thought, but were there strong objections and was attention drawn to the fact that it would be more than double in just over two years? -- I do not think so.

You do not think so? -- Because the people saw the project that the township was embarking upon. We were using the bucket system for the lavatories. We were now going to use the water-borne sewerage and that was going to go right through the whole township. It is a big job.

Yes, I am sure. Did people say at this meeting that the facilities that had been promised before in 1984 never materialised? -- They did mention some, not all. They pointed a

singular item here and a singular item there.

Do you recall that there was provision in the 1981/82 promises of roads and storm-water drainage and electricity and high mast lighting? -- I have already said that I did not know anything about high mast lighting, outside the one that you have got there.

Did any of the people at this meeting draw attention to the 1981/82 document and say that they had not seen any high mast lighting despite previous increases? -- They may have. I cannot remember. (10)

Was a clinic promised between 1981 and 1982? -- There was a clinic promised.

Was it built? -- It was not built.

Did any one draw attention to the fact that increase were made on the basis that a clinic would be available and it was not done? -- It is possible. I cannot remember.

Were creches promised in the 1981/82 increases? Sorry, in motivating the 1981/82 increases? -- There were.

Were any creches built? -- Yes.

How many creches were built? When? -- Do you say when?(20)

When were the creches built? -- I cannot remember, but there is a creche that has been built.

After 1982? -- It is not long.

Well, had it been built between 1982 and 1984? -- I cannot remember. Not 1984. Before 1984.

Did people say that you motivated the previous increase on the basis, the 1981/82 increase and here we are in 1984 and no creches were built? -- I have already answered the question of the creches. A new creche has been built.

No, but you told me it was not in 1984? (30)

COURT : He said it was built in 1984. Before 1984.

MR BIZOS : I thought he said not 1984. I am sorry. When was the creche built? -- I cannot remember.

Was it before or after 1984? -- It was before 1984.

How long before 1984? -- I cannot remember.

Were there any sport stadiums or parks built after 1982 and before 1984?

COURT : That is then only in 1983?

MR BIZOS : Well, between that period. Between the 1981/82 budget and 1984 were any sport facilities made available? -- Parks were made available. A golf-course was built. The (10) stadium was built. There was a football-ground, but it was upgraded, grass was planted.

When was that done? When was the stadium done? -- I do not remember.

Was it during this period? -- I could not say.

Is golf the poorman's game in Tumahole? -- What do you mean is it a poorman's game?

I mean, is it a very popular sport that a lot of the people do? -- Very popular.

One of the essential amenities? -- I would not say one (20) of the essential amenities, but all the boys who caddie there, play golf and they want a golf-course.

When was the golf-course built? -- When it comes to dates I forget. If I had known, I would have prepared this thing. If I had known that it was coming.

COURT : I am sure that since 1984 nothing happened in any of these places.

MR BIZOS : No, I am not talking of 1984.

COURT : So, we can take it for granted that what is there was before 1984. (30)

MR BIZOS : Or before 1982.

COURT : Or before 1982.

MR BIZOS : My Lord, I do not know whether Your Lordship wants to receive this document as an exhibit?

COURT : Well, no, it has not been proved.

MR BIZOS : Perhaps we should make a pair of glasses available to the witness.

COURT : You could do that. Have you got your pair of glasses available today?

MR BIZOS : Yes. -- No, thank you. I do not know what diseases you are suffering from. May be Glaucoma and may be RT, I do(10) not know. I would not like to risk it.

Well, I can assure you that I do not suffer from any of those, but I understand your point of view.

COURT : He has not mentioned myopia. No doubt, you can try handing in this document through another witness, a witness who has got his glasses here. Or you can ask the State to agree that this is a document which was sent out at a certain time.

MR BIZOS : Do you recall - my Lord, I am going to ask Your Lordship to allow the matter to stand down. There are a (20) number of documents of which this witness has knowledge. I ... (Court intervenes)

COURT : I have this difficulty, if you put a document to the witness and the witness cannot read the document, how far are we going to get? You cannot force him to go and quickly have some glasses made.

MR BIZOS : What I can at least do is I can ask him whether what is contained in the document is within his knowledge or not. My difficulty is that the documents are now being copied and they have just been brought in. This is my difficulty.(30) I do not want to do it in an untidy fashion. Let me assure

you that I myself only took five minutes for lunch today
because I had to consult the accused, with the accused.

COURT : I never put it that you had to do the copying yourself.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 30 MAY 1986.

COURT RESUMES ON 30 MAY 1986.

MR BIZOS ASKS PERMISSION FOR ACCUSED NO. 17 TO GO AND SEE THE DISTRICT SURGEON.

PERMISSION IS GRANTED.

IN CAMERA WITNESS NO. 17, still under oath

MR BIZOS : The first document is marked EXHIBIT AAQ(38) which is the rental increase document for the year 1979 to 1980 and I ask for leave to hand in three copies of that. The basis of the admission is that they are what they purport to be, whether the witness has knowledge of it or not. Then (10) AAQ(39) is 1 April 1982 to March 19 ... I beg Your Lordship's pardon. AAQ(39) is 1982 to 1983 and I ask leave to hand in three copies of that.

COURT : So, the first one is 1979 to 1980?

MR BIZOS : Yes.

COURT : This one is now 1982 to 1983?

MR BIZOS : Yes. Then there is another one which is marked 1983 which I beg leave to hand in as AAQ(40).

COURT : But there are notes on some and not on others? Should you not take the one back that has the notes on? AAQ(39). (20)

MR BIZOS : I am sorry. And then the one marked as from 1 April 1983 as AAQ(40).

COURT : So, it is 1983/84.

MR BIZOS : Its heading is as from 1 April 1983.

COURT : This is not the same as the one you handed in already? AAQ(37)? No. Now what about the notes on AAQ(40)? We do not want to curtail your cross-examination by having your notes.

MR BIZOS : Finally in this regard, AAQ(41), a document headed "Notule van samesprekings met die verteenwoordigers van die gemeenskap van Parys, die Gemeenskapsraad van Tumahole en (30) die Oranje-Vaal Ontwikkelingsraad gehou op 10 September 1984

te Parys.

COURT : On what basis is this placed before me? As a correct document?

MR BIZOS : As a document which is what it purports to be and which was issued by ... (Court intervenes)

COURT : I take it not issued, just compiled?

MR BIZOS : The minute?

COURT : Yes, the minute.

MR BIZOS : The minute was compiled and handed to the persons present for the purposes of the information therein being (10) disseminated to the community.

CROSS-EXAMINATION BY MR BIZOS (continued) : Do you recall that the first meeting that was held between the council and the representatives of the community before your shop was damaged - are you clear now about the meeting that I am speaking of? -- Before I answer that question, with your permission, may I just make one report?

COURT : Yes. -- Yesterday morning at about 07h00 the mob arrived at my shop, they stoned the shop, my children, one of my children was injured. They went in, they smashed the (20) counters, they smashed the cash registers, they looted the place removing most of the stock that was in there. A policeman was burnt to death yesterday in Tumahole. That is my report.

That is noted. I would like to inform the member of the press who was not here yesterday that my ruling still stands that nothing is to be reported that would give any indication of the identity of this witness. -- May I please hear the question again?

MR BIZOS : Do you recall the meeting that was held between you as councillors and representatives of the community (30) before your supermarket was burnt down? -- Is that the meeting

where the UDF, the Civic Association, the Prohumanism and the other body were represented?

Yes, we are going to have something to say to you about the UDF representation which name you did not remember, but be that as it may, that is the meeting that we are talking about. -- Yes, I recall the meeting.

Do you recall whether all or some of the documents that have now been placed before Your Lordship - before His Lordship as AAQ(37) to AAQ(40) were produced at that meeting? You know, the documents which show how the increased were worked out (10) in the past? -- I cannot say that I recall that these particular documents were presented at that meeting, but there were documents presented.

Of that nature? -- Of this nature.

Do you recall whether there was anyone at that meeting who was not a councillor who seemed to know or asked questions about the procedure that had been followed for the proposed increase? -- Who was not a councillor?

Who was not a councillor? Do you recall whether there was any one there who seemed to be asking questions as if (20) he knew how an increase was to take place? -- I do not.

You remember that you did not remember - do you recall now that when you first gave evidence you did not remember the name of the fourth organisation? It was only thereafter that you said it was the UDF? -- I do.

I am going to put to you that there was no UDF presence there at that stage and nobody represented the UDF? -- I say Skosana did.

In what capacity did he represent the UDF? What was he of the UDF? -- I only knew that he was representing the (30) UDF. As far as his capacity was concerned, it was not defined.

Did he say that he represented the UDF? -- They said so.

Who said so? -- Mr Skosana.

At this meeting before the burning of your shop? -- Yes.

Well, I am going to put to you that that is not so, but let us just continue.

COURT : Could we just get clarity. This Skosana, that is his surname, I take it? -- That is his surname.

What is his first name? -- I do not remember whether he is Johannes or not. I do not want to commit myself.

MR BIZOS : Just by the way, is it correct that after you (10) resigned the representatives of the local people from time to time used your telephone, because it is one of the few telephones in the township? -- Never. I specifically say so. No members of the public are allowed to use my telephone.

Do you recall that you told His Lordship that at this meeting they demanded that they should not pay more than R18,00. Do you recall that? In fairness to you, you conceded later that you did not remember whether this was so or not? -- I do remember.

Well, I am going to suggest to you that that meeting (20) was concerned not with any refusal to pay any rent that was already determined, but only as to whether the increased rental should be paid or not. What do you say to that? -- I am not clear of the question.

What I am putting to you is that at this meeting there was no question of refusing to pay any rent or any suggestion of only paying R18,00, but there were only questions asked as to why, having regard to the previous increases, a further increase had to take place? -- It was stated that the increase was too much and that it had to come down to R18,00. (30)

I am going to suggest to you that the R18,00 part of it

is incorrect. In order to show you that your recollection of these events is not so good, I am going to take you to another meeting that you attended and that you had not spoken about up to now. Do you recall that there was a demonstration, a march on 10 September?

COURT : Of what year?

MR BIZOS : Of 1984. -- I do not recall that there was a march.

Do you recall that thousands of people gathered outside the Administration building on 10 September 1984? -- I do.

And that you yourself were there? -- I was. (10)

And this is where we have differed before, because the evidence is going to be that at that stage you were wearing a UDF shirt and you say that you were not? -- Correct.

The day before that, did you attend a meeting at which a number ... (Court intervenes)

COURT : Just a moment, Mr Bizos. You put it to the witness that the other meeting was on 10 September. You also put it that the march was on 10 September where thousands gathered.

Now, are you talking of a different meeting from the one on

AAQ(41)? (20)

MR BIZOS : No, let me make it quite clear, that I refer to 10 September as a wellknown date in order to establish the date before at which a small meeting was attended by the witness.

COURT : Not the one on AAQ(41)?

MR BIZOS : No, AAQ(41) was the day after, the small meeting.

COURT : So, the day before the people gathered at the Administration building we are talking of?

MR BIZOS : That is correct. Did you attend a meeting at which approximately twelve other people consisting of re- (30)
presentatives of the population, a number of business men and a

number of ministers? Did you attend such a meeting at 431 Magahlule Street at the home of Mr Jomo Marumo? -- I did attend that meeting.

At whose invitation did you attend that meeting? -- It was at the invitation of Marumo whom I understood to stand for the UDF.

Is that Mr Jomo Marumo? -- I did not know he was Jomo. I know he was Marumo.

Is he a local man? -- He is a local man.

Was he a member of the ad hoc committee that had been (10) formed in order to form a civic association? -- I knew him to be a member of the UDF.

And did he invite you to come to this meeting? -- That is correct.

When did he invite you? -- I believe it was a day or two before the meeting.

COURT : Does it matter? Whether it was a week before or a day before or a minute before? Is the meeting not relevant, not when the invitation was given?

MR BIZOS : As Your Lordship pleases. (20)

COURT : Let us get along with it.

MR BIZOS : Do you remember that this was really a caucus meeting, was it not, for presenting the case of the people to the Development Board the next day? -- It was not, definitely not.

Had not a stay-away been called for the next day, the 10th? -- I do not remember. I only know that on the 10th we went to hear the chief director on the question of rent.

Well, if you did not hear about a stay-away on the 10th of September, I suggest to you that you must have been (30) the only person in the township who was ignorant of it. Did

anybody go to work on 10 September? -- I do not know what proof the defence has to say that I was the only person. Did you take any statistics about the attendance that day?

Do you know whether any people went to work on that day, on the 10th or any substantial number of people went to work on the 10th, because I am going to suggest to you that you are being deliberately obtuse, holding back on what you know had happened in your community. This is why I suggest to you that you must have been one of the very few, if not the only person who did not know that there would be a stay-away on the (10) 10th? Did you know on the 9th that there was going to be a stay-away on the 10th? -- I did not.

Was the stay-away on the 10th discussed at the meeting of the 9th? -- It was not.

Was any reference made to the possible happenings on the 10th in your discussions in your meeting of the 9th? -- We were called to this meeting as business people. I went there as a business man and we were not discussing the stay-aways.

Well, I will come to the concern of the business men at this meeting. Did you not see any pamphlets which were (20) being issued from the 7th onwards calling for a stay-away on the 10th? -- I saw pamphlets, but I could not say when they were. I did not jot down when they were and so on. There were pamphlets from time to time.

No, we are talking about pamphlets immediately before the 10th? Did you not see any pamphlets? -- I could not say that I did not see them or I saw them. As I say I saw pamphlets, but I do not remember whether they were before the 10th or after the 10th.

You see, I am going to suggest to you that on the (30) information now available to us, this was the only pamphlet

issued in 1984 and this was on the 7th calling for the stay-away of the 10th? Is it possible that you missed its nature and what it called for? -- Well, as I say I did not see the pamphlet and I do not agree that it is the only pamphlet, because there were pamphlets that I saw.

The only pamphlet issued by the ad hoc committee of the civic association or any other community organisation. I do not know about other pamphlets. Are you able to pinpoint any other pamphlet that was issued? If not, we can carry on? -- Yes, there was a pamphlet issued that said we must not (10) sell to members of the police force.

When was that? -- I do not remember.

1985 possibly? -- It could have been.

So, you cannot really deny that this was the only pamphlet that was issued by the community organisation in 1984? -- If I did not see it, how can I deny it?

Let me put to you this. At this meeting, was the concern that the community of Tumahole should show its unity, its solidarity in relation to this rent increase? Was that the concern of the meeting of the 9th? -- No, I do not remember (20) that they were speaking about the rent.

COURT : What was the purpose of the meeting? -- The purpose of the meeting was more that there must be an agreement, a solidarity between the business people and members of the UDF who were present then.

On what issues? -- It was more or less seen that there had already been turmoil before and so on. There were burnings et cetera.

Was the purpose to enter into a sort of a truce? -- Yes.

MR BIZOS : You see, I am going to suggest to you that (30) except that you seem to want to introduce the UDF instead of

the local organisations, you have come fairly near to the truth of the meeting. Let me put it to you more fully. That all the people there present agreed that violence was not a way in which the community's problems were to be solved. Do you agree with that? And every one was unanimous on that? -- It was so.

What everybody emphasised was that the people should not be divided and they must speak with one voice on matters that affect the community. Do you agree with that? -- It is possible. It could have been said. (10)

Would you have agreed with that? -- I would have agreed with it.

And because a stay-away had been called for for the next day, every one was concerned that the stay-away should be a success, the marching through the administration should be peaceful and successful in the sense of very large numbers and that there should be no violence against anybody? -- Where was this march to start from going down to the offices? Do you know?

People were to start marching from their homes all (20) the way to the administration office? -- As individuals?

As groups? -- Do groups come from one home? What does that mean?

That they would group themselves together from their homes and go to the administration buildings?

COURT : At what time?

MR BIZOS : I think it was 10h00. They had to be there at 10h00.

COURT : But if they come all over the show from all directions, how can you call it a march? --

MR BIZOS : They would come in small groups or processions.(30)

Could I say, was there an agreement that all the people would

gather outside the administration building? Let us see if we can agree on that? -- Let me put it this way. It was not an agreement. We were all anxious to hear the announcement from the Administration and everybody was going to walk naturally from his house to the place of the Administration. It was not an agreement.

Was it a working day? -- It was a working day.

How many thousands of people would you say gathered at the Administration block? -- It was difficult - it would have been difficult to give a number, because some people were (10) extending up this street. There was not enough space there. Some were extending up this street, some were extending up that street and at no one point could you see the mob, the size of the mob.

You were part of this mob?

COURT : Have we now finished with this meeting?

MR BIZOS : No.

COURT : Well, do not go away from the meeting, please. Now you are at the next day, the meeting with the Administration Board. (20)

MR BIZOS : Yes.

COURT : Had you gone past Jomo Marumo's meeting now?

MR BIZOS : No. I merely wanted the number in order to indicate that it was not just a passing chance that thousands of people happened to be there. That is why I went on to it.

COURT : Yes?

MR BIZOS : If I were to suggest to you that there were between eight and ten thousand people there, would you be able to admit it or deny it? -- The number, as I say, is not known to me. I would not admit it. I would not deny it. (30)

Were you not concerned on the 9th and were not the other

business men concerned on the 9th and were not the priests concerned on the 9th and were not the community representatives concerned on the 9th that there should be no violence the next day when a stay-away had been called for and that everybody was going to go to the Administration building? -- I still want to emphasise that there was no question of a stay-away as far as I am concerned and there was - we could not expect violence, we were expecting an announcement from the director.

Why were you expecting an announcement? -- It was said that he was going to tell us what the rents are going to be.(10)

What the rents were going to be or whether there would be a negotiation as to what the rents ought to be? -- He was going to tell us what the rents were going to be. A negotiation with whom?

Between the representatives of the people of Tumahole and the director of the Board? -- I cannot see the director of the Board holding a meeting with the representative of the people when he has got a Board. That is properly elected. He would go to his Board, rather than to go to the representative of the people. (20)

Do you mean the community council? -- Correct.

He did precisely that on the 10th which shows how wrong you are in your assessment, but be that as it may ... (Mnr.Fick kom tussenbei)

MNR. FICK : Die Staat maak beswaar. As My Geleerde Vriend na die dokument van die 10de kyk wat hy self ingehandig het, sal hy sien daar was gemeenskapsraadslede op die vergadering ook gewees. Hierdie man was nie daar nie. Dit is 'n misleidende vraag.

MR BIZOS : My Learned Friend is correct, that everybody (30) was represented. The representatives of the local community

associations, the council and the Board? -- Is the defence aware that I was no more a member of the council? I was outside in the street. I could not have known what was going on in the meeting inside the hall.

I will remind you of what happened between inside and outside which would have given you a very clear indication, but let us come back to the meeting of the 9th. Do you recall that one of the persons present at the meeting of the 9th said that he had been to a sort of civics course held by the Black Satch. Do you recall that? -- No. It is news to me. (10)

I will remind you of some of your participation in it.

COURT : Who was it that said that?

MR BIZOS : I could give the name ... (Court intervenes)

COURT : May be he will recall it, but why do you do it devious ways? Tell him "Mr X said at the meeting he had been at a course." Then may be he can remember.

MR BIZOS : Mr Vuyo Dabi. Do you recall that? -- Had been to a meeting?

Had been to a course in civics were people are taught how civic affairs ought to be conducted? -- No, not at all. (20) I know Vuyo, but he never told us that he had been to a civic association meeting. Besides, we had not gone there to listen to Vuyo. We had gone there for the question of rent.

Yes, but Mr Vuyo had something to say about the question of rent. Do you recall Mr Vuyo Dabi saying that there were certain formalities which had to be complied with before an increase could be valid? Do you recall that? -- I say Vuyo never addressed us. So, how can I recall that?

Was he at the meeting? -- I do not know. There was a big crowd. He could have been at the meeting. (30)

Are you clear that I have asked you whether you knew

whether Vuyo was at this meeting? That is the meeting of the 9th? -- I am clear.

And you say that this was a large meeting? -- I have said so.

How many people would you say were there? -- I have already indicated that it was not at a place where we were altogether. People were standing up this street, they were down that street and so on.

COURT : Mr Bizos, this is exactly what happens when you start jumping around in the cross-examination. Now you are at (10) cross purposes again. Put the question again.

MR BIZOS : I think that I ... (Court intervenes)

COURT : This witness is now telling you about the big meeting outside the administration offices and you are asking him about the meeting of the 9th and then you start jumping about the 10th and the 9th and we are continually going to have this.

MR BIZOS : But, with the greatest respect, I did explain to Your Lordship that I found it necessary to refer what happened on the 10th in order to create the probability or otherwise as to what the purpose of the meeting of the 9th was. (20)

Realising that the witness may be confusing the issue, I asked him whether he was clear that he was speaking about the meeting of the 9th. I am sorry that this has happened, but if I have to establish a point about in relation to the meeting ... (Court intervenes)

COURT : Why do you not mention the meeting on the 9th at Jomo Marumo's house? Then we will know what we are talking about.

MR BIZOS : Please remember that we are talking about the meeting of the 9th which took place at Jomo Marumo's house. How many people were at that meeting? -- There could have (30) been about eight or ten people.

Was Vuyo Dabi one of them? -- I cannot remember.

Do you remember whether either Mr Vuyo Dabi or anyone else said that in order to strengthen the hand of the negotiating team in relation to the rental increase, the following day, it was necessary for them to be told what had happened on the council in relation to the rent increase? -- It is clear in my mind, I am saying it again, that there was no question of negotiation between that meeting and the director. The director would do it with the community council and give us an announcement. That is all. (10)

Do you recall whether Mr Vuyo Dabi or any other person at the meeting at Jomo Marumo's house asked you whether or not there had been proper notice of the increase to be discussed at the council meeting? Do you recall that? -- I must repeat again, we did not talk about the increase of the rent at that meeting.

I do not want to go through all the detail, because of your answer, because you say that it did not happen or you do not remember, but I am going to put to you... -- I say it did not happen. (20)

I am going to put to you that you gave information in relation to what had happened in the council which made it clear to Mr Vuyo Dabi and the others that the increase was invalid? -- Once more, we did not talk about the increase of the rent.

That you gave this information and that you asked the people present ... (Court intervenes)

COURT : What was the information given?

MR BIZOS : That certain formalities were not complied with.

If Your Lordship wants me to spell them out?

COURT : Well, if you are going to put to the witness that (30) he told the meeting something, at least you should tell him

what he told the meeting.

MR BIZOS : I was trying to cut it short. Do you recall that ... (Court intervenes)

COURT : You cannot cut it short by putting it vaguely. Either you put it or you do not put it. Tell him to his face he said this and this and this, then we know whether he said it or did not say it.

MR BIZOS : You told this meeting at Mr Jomo Marumo's house that the decision for all practical purposes had been made by the Board? Did you tell them that? -- I could not have told(10) them that. I did not. In the first place, let me make it clear. I had been chairman of the community council. Matters of the community council are strictly confidential and I could not, I must have been unwell that day to go and say to the people this is what happened and this is what happened.

I am going to put to you that you well remembered the confidentiality rule after I had put all this, because you said something about it. Just listen to me, please. That you told them that you knew of no advertisement that had taken place calling for objections. Did you tell them that? -- Ob-(20) jections to what?

Did you tell them that you knew of no objection having been or rather no notice calling for objections had been called for by the council, that no notice of the increase and calling for any objections had been put out or published by the council? -- I never said a thing like that.

And that there had been no publication in the Government Gazette? -- I never said a thing like that.

And you said that you were in a difficult position having disclosed this information and you would not like it dis- (30) closed to the people that they were going to negotiate with

but that they should go and ask other councillors these specific questions and the other councillors would have to give those answers? -- Let me understand this. I am not very clear. How do I come into this meeting if not representing a business house when the other members of the council were not invited? They should have been there. The chairman should have been there. Why should I go and speak on matters of the council? What authority had I?

Yes, because you see it is really something that you had decided for yourself from time to time, because at this (10) stage you had apparently, insofar as there were sides, changed sides? -- All that is being said here to me is just a fabrication really. Why should I change sides? I am a business man. I went there as a business man.

Were the other councillors also business men or some of them? -- Well, at the time I think I was the only business man.

Do you say that there was no discussion whatsoever at this meeting in relation to what was to happen the next day, the 10th, when you were to go to the Administration building? -- I emphatically said there was no discussion about events (20) to occur on the 10th.

Do you recall as to whether at this caucus meeting ...
(Court intervenes)

COURT : It was not a caucus meeting.

MR BIZOS : Well, at this meeting of the 9th at Jomo's house, whether representatives were asked to go and speak to the other councillors? -- Representatives of?

The persons at this meeting to go and speak to the other councillors? -- As far as I am concerned, they were business men and members of the UDF. I do not know of representa- (30) tives.

Do you recall whether Mr Tom Letsoeny and Jomo Marumo were the persons that were to go to the other councillors in order to get this information to cover up for the fact that you had given it to them? -- No, there was no such a thing.

Do you recall whether Adam Mosepedi was also one of the persons who eventually to go and find out this information? -- He was present in the meeting, but he had no such a mission to do.

Did the people not who were so indicated to go and find that information ... (Court intervenes) (10)

COURT : Were the people so indicated? The answer is no.

Now you ask him did the people who were so indicated do something? The witness does not agree that people were indicated to go and find information which he had clandestinely given.

MR BIZOS : I find it difficult.

COURT : You can just mention their names. Did so and so and so do this and this and this?

MR BIZOS : Did a group from that meeting take you home? -- They did not take me home. We went down together.

You went down together? -- Yes. (20)

Did you meet one of the councillors on the way? -- No. No, no, I am making a mistake. At my home was a councillor, not on the way. At my home was a councillor.

Sister Malope? -- Sister Malope?

COURT : Sister?

MR BIZOS : A nurse. Did the persons who accompanied you try to engage her in conversation? -- They did.

Did they ask her questions about the circumstances of the rent increase? -- Of the?

Did they ask her questions in relation to the circum- (30)
stances under which the rent was increased? -- I do not know.

They were talking. We were all just scattered around and they saw her there and they talked to her. It was not in a meeting. I could not say what they were saying.

You see, I am going to put to you that you were in a difficult position. You are a friend of the Mahlatsi's, are you not? -- Mahlatsi's?

Yes? -- Where do the Mahlatsi's come in? I am not a friend of the Mahlatsi's.

Do you know them? -- I know them.

You have done business with them? -- No business whatsoever (10) ever.

Or any of their relatives? -- No business whatsoever.

Or any of their relatives? -- Their relatives?

The relatives of the Mahlatsi's? -- I even do not know the relatives of the Mahlatsi's.

COURT : Do you mean by doing business, selling a Coca-Cola over the counter?

MR BIZOS : No.

COURT : Then you must put it clearly, what do you mean by doing business. (20)

MR BIZOS : Let us just take as an example. Are you in business or is your shop hired out to anybody?

ASSESSOR (MR KRUGEL) : In 1984? He has not got a shop any more.

COURT : Are we talking of the butchery now?

MR BIZOS : Well, yes, I refer to that as a shop. I am sorry if I referred to it wrongly.

COURT : So, we are talking of the butchery and not of the supermarket?

MR BIZOS : Of the butchery, not of the supermarket, because it does not exist. -- The butchery has been hired out - it (30) is less than three weeks that it has been hired out to somebody.

Is he related to Mahlatsi? -- Not at all. He is a Monge.

Were you not party to the discussions with the Mahlatsi's for the purposes of acquiring the bottle-store? -- I never was in a discussion with them. We were together the day when the tenders were being considered as a group of people that had applied. I never had a discussion with them.

And that at this stage on 9 September 1984 you for various reasons were in a difficult position and did not know, so to speak, with which side to associate openly, whether the Administration Board and the council on the one hand or the com- (10) munity organisations on the other hand? -- I had no such difficulty. It never occurred. I had resigned from the work of the administration, the community council. What difficulty would I have?

And that when you came to the Administration block on the 10th, were you in the forefront? Were you in front of this large crowd? -- I would not say I was in the forefront. I was among the people that stood in that street.

Do you recall whether representatives were called for in order to negotiate the question of the rental? -- Who cal- (20) led for that?

Mr Ganz? -- We never saw Mr Ganz. He was in the office. He was in the hall. We never saw him. We, as the crowd.

Did you or do you know that a group of people went in in order to negotiate or to speak about the rent on the 10th? -- From where we were standing you - it was impossible to see people going in the hall, in the building the other side. There was a building inbetween us.

Did the representatives of the community come out on one or more occasion in order to discuss the offers and counter-(30) offers that were being made? -- In the first place, this word

"representative" of the people, I do not accept. I do not know they were representatives of the people.

Or representatives of the community? -- Representatives of the community elected where? To represent whom? Elected by whom?

The officials who drew up a minute AAQ(41) called them "verteenwoordigers van die gemeenskap"? -- I do not know anything about the minute AAQ(41).

COURT : In order to avoid disputes in future, you can talk of them as the self-appointed representatives of the community.(10)

MR BIZOS : That may draw an injustice to the people who ...
(Court intervenes)

COURT : Well, the question the witness poses to you is were they elected? The answer is no.

MR BIZOS : Did the people outside there by acclamation or in any other manner agree that they could be represented in this negotiation by the representative who went in? -- Not at all. There was no question of representation.

We will refer to them as the people who went to talk. Do you not remember any announcements being made whilst you were(20) waiting outside the Administration block - announcements, more than one, so to speak? Not a final announcement, but announcements from time to time as to what was going on inside? -- There were no such announcements.

COURT : It seems to me there was a vast crowd, Mr Bizos. Could you indicate to the witness exactly where these announcements were made because he may have been a block or two away from the announcements?

MR BIZOS : If I have not I am going to put to the witness that he was in the forefront. (30)

COURT : Yes, but just tell the witness from what point the

announcements were made. Then we will know exactly. He says there was a building inbetween the place where the meeting was held and where he was standing.

MR BIZOS : Did you see any people ever coming out of the Administration block building in order to make announcements? -- I said that there is a building and then Mr Ganz was in the building on the other side. I could not see beyond that building.

You are saying that you did not hear any announcement whatsoever? -- No. (10)

At any time? -- No.

Not even the final announcement that there would be no further increase of the rent? -- We only heard as a mob that Mr Ganz was not going to address us.

Was there no announcement made that there would be no increase in the rent? -- There could have been, but as I say, we were some in this street, some in that street. Where did this man stand to make the announcement? Did he go round all the different streets to make the announcement?

Are you saying that Mr Ganz never appeared at all? (20) Or that Mr Ganz appeared and said that it would be impossible to negotiate with all the people, they must send in a delegation? -- He did not appear to us.

I beg your pardon? -- I did not see him.

Was there no announcement that you heard of the suspension of the rent increase? -- No.

For what purpose had you gone to the Administration block? -- I had gone to hear what Mr Ganz was going to say about the rent.

And you never heard anything about that? -- I never (30) heard Mr Ganz say anything about it.

Did you ever hear from anybody that the increase had been suspended? -- There was a talk. There was just a rumour that some people said the increase had been suspended, but it was not even true, because when we went to pay, we were told there was no such a thing. We just had to pay flat rate. We are still paying it now.

So, a suspension of the increase never came to your attention? -- It never did, I have said.

I will leave it at that, except to put to you that there was such an announcement of the suspension of the increase, (10) that the people there were overjoyed including yourself and that you claimed some of the credit for it and that people put you on their shoulders? -- I claimed what?

Some of the credit for the success? -- This is contradictory. How could I claim the credit for the success. I was standing in the mob here and the meeting was held the other side.

Why do you refer to them as a mob? -- We were a mob. Unless I am using the word in the wrong place. We are a group. Let me put it that way. (20)

Do you not recall that the group or the crowd was so well behaved that Brigadier Ferreira asked these persons that had gone inside, that you do not want to call representatives, to take responsibility for the thousands of people to return to their homes peacefully, which they did? -- Would it have been necessary for Brigadier Ferreira to ask the people to go back peacefully if they were so well behaved?

Do you recall that that in fact happened? -- I do not.

I am going to put to you that you have misrepresented both Bishop Tutu and Mr Lekota as to what happened at the (30) meeting at Khotso House. -- You are going to do so. So, do so.

You deny that you misrepresented the position? -- I do not understand what you mean by misrepresenting.

Could you please tell us the precise words ... (Court intervenes)

COURT : Are you going back now?

MR BIZOS : Not quite. Just on one point. Would you please tell us precisely what Mr Lekota said in English in relation to the community councils? -- Once more I must say I had gone there to plead my own case. There was no question of community councils discussed between me and Mr Lekota. (10)

As you are standing there, do you remember Mr Lekota making any reference whatsoever to community councils? -- I know he did not.

Did he say anything in relation to his organisation's policy towards community councils? -- He did not mention the word community councils to me.

I am going to put to you that insofar as your evidence in cross-examination may have indicated that Mr Lekota knew beforehand or recognised you as a school inspector when he first saw you at Khotso House, that that is not correct. (20) What do you say to that? -- I say he knew me, because I was his inspector. Those are my words. That he recognised me beforehand and so on, I do not know where you or where that comes from.

Are you inferring that he must have known you because you were his inspector. Is that what you are saying to His Lordship? -- Actually that is what I found out when we were conversing afterwards as he was telling me that he was going down to Bloemfontein outside.

Did he tell you that he was going down to Bloemfontein?(30)
-- Yes.

Or did Bishop Tutu tell you on the telephone as you said in your evidence-in-chief that he was going down to Bloemfontein? -- I never said Bishop Tutu told me over the telephone. I did not say that.

You did not say that? -- No. I am being misrepresented.

Well, the record will speak for itself. I am going to put to you that Mr Lekota did not say anything to you about Bloemfontein. The persons who were here yesterday and who had accompanied you to Bishop Tutu, are they here today? -- I have not seen them. (10)

My Lord, it only leaves one matter about which I cannot do anything. Bishop Tutu is not in the country. I have cross-examined on instructions ... (Court intervenes)

COURT : Well, you are not instructed by Bishop Tutu. You are instructed by twenty-two accused.

MR BIZOS : I have put whatever I had, but Your Lordship will recall that the witness has given evidence of conversations between him and Bishop Tutu in the absence of the two accused and this is why I am mentioning this fact. I do not know what instructions we may in due course be given when Bishop Tutu becomes available. We may have to address Your Lordship for the re-call of the witness for this purpose. He is overseas and we were unable to obtain instructions. Subject to that we have no further questions. (20)

HERONDERVRAGING DEUR MNR. FICK : Geen vrae.

GEEEN VERDERE VRAE.

MR BIZOS : My Lord, may I indicate that I did not consider it necessary to take up with the witness his statement first thing in the morning, because I do not think that it is really one of the issues before Your Lordship, but for what it is worth, our instructions are and there has been wide publicity (30)

in relation to that that there was in fact difficulty in Tuma-
hole, but I do not think that Your Lordship will want to enter
into the reasons for it. It was not an isolated incident.

COURT : Well, it is unfortunate that on the morning that the
witness returns to court his shop is burnt, but I can make no
finding on that.

MR BIZOS : But it is generally known, with respect, that there
was general difficulty that a park that had been erected was
ploughed up and that as a result of that violence broke out
of a general nature. There was no specific - he was not (10)
alone in this or chosen out in relation to that.

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